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Report of the Secretary-General on children and armed conflict in Somalia

Summary

The present report has been prepared in accordance with the provisions of Security Council resolution 1612 (2005). It is the second report on the situation of children and armed conflict in Somalia presented to the Council and its Working Group on Children and Armed Conflict. Covering the period from 16 March 2007 to 15 March 2008, it follows my first report (S/2007/259) and the subsequent conclusions and recommendations of the Working Group on Children and Armed Conflict (S/AC.51/2007/14).

The report stresses that the level of grave violations against children in Somalia has been increasing over the past year, particularly with regard to the recruitment and use of children in armed conflict; the killing, maiming and rape of children; and the denial of humanitarian access to children. Over the past year, insecurity and violence in central and southern Somalia have risen, as Transitional Federal Government and Ethiopian forces continue to battle anti-Government armed groups. Mogadishu has been most affected by the conflict. In addition, a regional border dispute between Somaliland and Puntland has added to the overall insecurity in the country. In the absence of rule of law, crimes against civilians, including children, continue to be committed with impunity.

The precarious and unpredictable security situation in Somalia presents a challenge to the provision of a definitive account of violations and perpetrators. The difficulty of this task has been compounded by attacks on humanitarian personnel and the remote location of the United Nations country team, in Nairobi.

The report cites a number of parties to the conflict responsible for recruiting and using child soldiers and committing grave violations against children, such as the Transitional Federal Government and various factions of the anti-Government forces, including remnants of the Union of Islamic Courts and the Al-Shabaab group. Also, children are being killed and maimed as a result of military actions by Ethiopian forces in the course of confrontations with anti-Government forces and civilian demonstrators. There has been an increase in reported cases of rape and other grave sexual violence against children since my last report.

The report contains a series of recommendations with a view to securing strengthened action for the protection of children in Somalia.

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I. Introduction

1. The present report specifies grave violations of child rights, as referred to in Security Council resolution 1612 (2005), by parties to the armed conflict in Somalia between 16 March 2007 and 15 March 2008 as a follow-up to my first report, presented on 7 May 2007 (S/2007/259). It also provides an update on the implementation of the recommendations of the Security Council Working Group on Children and Armed Conflict (S/AC.51/2007/14) issued pursuant to my first report.

2. Owing to the extremely volatile security situation in Somalia, the United Nations country team and the monitoring and reporting task force established pursuant to Security Council resolution 1612 (2005) are based outside the country, in Nairobi. Central and southern Somalia, where the vast majority of grave child rights violations by parties to the armed conflict occur, remain phase IV security environments, with Mogadishu and the most southern area, near the Kenyan border, in phase V. These security levels have severely limited humanitarian access for international and national protection officials, severely hampering systematic monitoring and reporting on the six types of grave violations against children cited in resolution 1612 (2005). The implementation of other aspects of Security Council resolutions regarding children and armed conflict is also limited, including systematic dialogue with parties to the conflict and action to end the recruitment and use of child soldiers and other grave violations of children's rights. Therefore, the incidents of violations cited in the present report are indicative of the gravity and scale of the violations against children.

3. The data on incidents of grave child rights violations included in the present report have been compiled from information of the monitoring and reporting Task Force, which also acts as the protection monitoring network, composed of relevant United Nations agencies and child protection partners. The monitors conduct confidential, first-hand interviews as a way of verifying initial information received from various sources, such as members of local child protection and human rights networks, local non-governmental organizations (NGOs) and media reports. Child protection monitoring partners also work at the local level to refer victims to necessary services and undertake advocacy interventions.

4. While some of the reported child rights violations by parties to the conflict resulted from inter-clan fighting, the majority of violations occurred as a result of the conflict between the Transitional Federal Government and Ethiopian troops and armed groups, including anti-Government and clan-based forces in central and southern Somalia. Children in settlements of internally displaced persons are particularly vulnerable, as these areas are not only de facto battlegrounds between the above-mentioned parties, but are also exposed to higher levels of violent crime committed by civilians due to the breakdown of the rule of law and a lack of traditional protective mechanisms in these areas.

II. Political, military and humanitarian situation in Somalia

5. The security situation in Somalia is of serious concern. Mogadishu has been a scene of continued conflict between the Transitional Federal Government forces, supported by Ethiopian troops, and various anti-Government armed groups, including remnants of the Union of Islamic Courts (UIC); Al-Shabaab insurgents,

many of them linked to UIC; and the Hawiye clan militias. Although UIC had been defeated by the Transitional Federal Government and Ethiopian forces in December 2006, its supporters and other armed groups are continuing to resist the Transitional Federal Government presence in and around Mogadishu. The security situation elsewhere in central and southern Somalia is characterized by clashes between pro- and anti-Transitional Federal Government groups or between factions over the control of land, grazing rights or other resources. Armed groups, some affiliated with UIC, appear to be gaining ground. For example, the radical group Al-Shabaab has grown stronger and obtained increased numbers of weapons, and of a more sophisticated nature. It has set up training camps at Bargal, in Puntland, and there is reason to believe that it intends to expand into areas such as Baidoa. Since February 2008, Al-Shabaab forces have captured several towns, including Wajid and Jowhar, and several villages in the Bay and Hiran regions.

6. In February 2007, the African Union deployed the African Union Mission in Somalia (AMISOM), a peace support operation in Mogadishu, whose mandate was endorsed by the United Nations Security Council in its resolution 1744 (2007). While AMISOM is authorized to have 8,000 African Union troops, there are at present only 1,760 Ugandan forces and 854 peacekeepers from Burundi. One more battalion from Burundi is expected in Somalia by May 2008, which would bring the total African Union troop presence to more than 3,000.

7. The conflict in Mogadishu between the Transitional Federal Government and Ethiopian armies and anti-Government forces has led to near-daily mortar attacks, explosions of roadside bombs and improvised explosive device attacks. While the capital experiences the most violence, including targeted assassinations, anti-Government attacks have been reported in several regions outside of Mogadishu, such as Kismayo in Lower Juba, Baidoa in the Bay region and Beletweyne in the Hiran region, particularly where there are Ethiopian soldiers or Transitional Federal Government officials and institutions.

8. Opposition to the Ethiopian troop presence in Mogadishu and parts of central and southern Somalia has created a volatile situation and exacerbated existing tensions. The ongoing conflict has seriously constrained humanitarian delivery and emergency operations in central and southern Somalia.

9. Civilians, including children, continue to be the majority of casualties, primarily as a result of crossfire and explosions. Since February 2007, 340,000 people have fled fighting in Mogadishu. In the past year, the humanitarian and nutrition situation in central and southern Somalia, more specifically in the Shabelle regions, has deteriorated. About 1.9 million Somalis (roughly 20 per cent of the population), more than half of whom are internally displaced, are in need of humanitarian assistance. Food supplies have been disrupted, access to clean water and medical assistance has been hindered, and the hospitals that are able to stay open are stretched to capacity.

10. The Transitional Federal Government and Ethiopians launched full-scale military operations to combat the anti-Government forces in Mogadishu in March and April 2007, as well as in November and December 2007. Heavy fighting ensued for several weeks and camps of internally displaced persons and other civilian locations were used by anti-Government forces to fire mortars against the Ethiopians, which led, in turn, to retaliation by the Ethiopians on those civilian areas. This has led to several documented killings of children.

11. Some of the violence between Government and anti-Government forces has been in and around Mogadishu's Bakaraaha market (the country's largest market), and as a result many businesses have closed, affecting the livelihoods of hundreds of families.

12. The National Reconciliation Congress, hosted by the Transitional Federal Government, was originally scheduled for 16 April 2007 but was delayed because of the worsening security situation. The Congress opened in Mogadishu on 15 July 2007 with more than 2,000 politicians and clan elders from Somalia and the Somali diaspora in attendance. However, UIC boycotted the Congress, saying that because of the presence of Ethiopian troops, the capital was not neutral. The Congress was ultimately suspended in August 2007 owing to criticisms of Transitional Federal Government dominance and security problems, such as an attack on the hosting facility that killed five people, including three children.

13. In many places outside Mogadishu, clan leaders act as political heads, and clan militias are regaining power. In 2007, all 10 regions in central and southern Somalia experienced clan conflicts. While many of those clan conflicts revolved around competition over local power or land, some were influenced by national political agendas and all have contributed to the overall insecurity of civilians, particularly children.

14. Somaliland and Puntland have been engaged in a sometimes violent border dispute over two regions, Sanag and Sool. Somaliland, which has declared independence from Somalia, claims legal authority in the two regions under British colonial-era boundaries, but Puntland has effectively controlled parts of Sanag and Sool for years as a result of clan affiliation. This dispute escalated during the reporting period, leaving children in those areas vulnerable to several categories of grave violations.

15. During the reporting period there were also a number of missile strikes by the United States Navy against suspected Al-Qaida operatives near Dobley and in Puntland, resulting in some civilian casualties.

16. Soaring food prices have also exposed the Somali people to increasing hardship, which led to food riots in Mogadishu in April 2008, in which children were involved. United Nations agencies are predicting acute shortages and attendant malnutrition among approximately 20 per cent of the displaced population, with the possibility that as many as 3.6 million Somalis could be dependent on food aid before the end of 2008.

III. Grave violations of children's rights

17. Children continue to be a highly vulnerable group, particularly children in settlements of internally displaced persons. An estimated 600,000 children and their families are in need of emergency humanitarian aid, particularly in Mogadishu. As a direct result of the conflict, Somali children are suffering not only from malnourishment and higher risk of disease, but also exhaustion and emotional trauma. The general lack of basic services has worsened over the reporting period.

18. The availability of large numbers of small arms inside Somalia has led to widespread violence by military and militia personnel, as well as civilians, in a climate of impunity, exacerbating grave violations of children's rights. Violations

against children have occurred in the context of the conflict, but individuals are also taking advantage of the lack of rule of law and the availability of arms to commit violent crimes against children and other vulnerable members of the population.

19. In addition to the challenges of systematic monitoring and reporting of grave violations against children because of poor security and access limitations, there have been no reliable birth records in nearly 20 years to verify the age of victims as a basis for access to services. Moreover, cultural norms establish 15 years as the threshold of adulthood in Somalia, leading to less reporting of abuse of children.

A. Recruitment and use of children in armed forces and groups

20. The recruitment and use of children in armed forces and groups continues to be a critical concern and challenge, exacerbated by broad cultural acceptance. The Transitional Federal Government and remnants of UIC were cited in my annual report on children and armed conflict (S/2007/757) for recruiting and using children. In addition to those groups, during the period covered by the present report there was further evidence of the recruitment and use of children by the Al-Shabaab forces.

21. The widespread use of children in almost all fighting forces in the country was noted, particularly in Mogadishu. The recruitment of children has been increasing as a result of the conflict between anti-Government groups and the Transitional Federal Government and Ethiopian troops. Although during the last year there were 64 reports of child recruitment, down from 100 reports over the previous 12-month period, this apparent decrease is not indicative of the high level of child recruitment. The decline is attributable in part to the fact that UIC no longer controls Mogadishu. During its control in 2006 it engaged in mass recruitment of children in schools which was simpler to monitor. Moreover, the exact number of children recruited or involved in the hostilities cannot easily be verified, as there is a lack of access to children who are actively engaged in the conflict. In addition, there is no birth registration in Somalia, making it difficult to determine the age of an adolescent or young person involved with an armed group.

22. Children over the age of 15 are considered adults, and therefore it is culturally acceptable for boys to carry arms and for girls to work, usually in a domestic or logistics capacity, for armed groups. In addition, the nomadic and clan-based structure of traditional Somali life means that children have been expected to defend family or clan property. Displacement, abandonment, neglect, orphanhood and destitution have made children, especially those living on the streets, particularly vulnerable to recruitment.

23. The administration of Middle Shabelle region has acknowledged that it has children in its military ranks. Specifically, children fighting for the Transitional Federal Government were reportedly seen training at Baledogle airport, where the Transitional Federal Government has a base. Furthermore, the Transitional Federal Government has reportedly mobilized clan leaders in Lower Shabelle to recruit youth, including children, into its forces. A 13-year-old boy, whose parents had died and whose grandmother could not support the family, was recruited near the Baledogle airport by the Transitional Federal Government and is now stationed at

the Hides and Skins Centre[1] in Mogadishu, following three months of military training. A 16-year-old girl said that she wanted to be a Transitional Federal Government soldier because her parents could not support her and her siblings. She trained for three weeks in Hilweyne and is now officially in the military. A 14-year-old boy, whose parents died in the fighting, works at a checkpoint for the Transitional Federal Government and earns 30,000 Somali shillings ($0.50) a day.

24. There are also reported cases of recruitment and use of children by remnant groups of UIC. However, the challenges outlined above, such as high levels of insecurity, lack of access to children and lack of proper birth registration, have made it difficult to verify incidents of recruitment and use and establish the direct responsibility of those groups.

25. Anti-Government forces, in particular groups describing themselves as Al-Shabaab, are also recruiting children into armed conflict and military operations. For example, children have been used to plant roadside bombs and other explosive devices, leading to a few deaths and several injuries among the children themselves. It has been reported that street children are being used for the planting of these devices, frequently without their knowledge. It has also been reported that Al-Shabaab is training children as young as 8 years of age in special camps to plant bombs and carry out assassinations, offering a financial reward for those acts. This training is provided in many cities, including El Adde, Bu'ale and Balad. Al-Shabaab is also going into madrasas and Koranic schools to recruit children into armed conflict. For example, in September 2007, a child trained by Al-Shabaab killed a Transitional Federal Government officer near a school in Hamar Jahid. As a result of recruiting in schools, learning institutions are sometimes regarded as potential targets by the Transitional Federal Government and Ethiopian troops.

B. Killing and maiming of children

26. Children have been the victims of armed violence in many regions in Somalia, particularly those living in settlements of internally displaced persons that are close to military or government buildings. During the reporting period, violence between Transitional Federal Government and Ethiopian forces and anti-Government groups, including Al-Shabaab, remnants of UIC and Hawiya and other clan militias has led to high civilian casualties, particularly in Mogadishu. Over 1,850 people, including 217 children, wounded by weapons, were examined by one hospital in Mogadishu alone. More than 125 children were recorded by protection monitors as having been killed during the reporting period — up from 82 reported from 16 March 2006 to 15 March 2007. The risks posed to children in Mogadishu by indiscriminate shelling, mortar attacks and gunfire increased during the first months of 2008. Thirty-three children, many under 10 years of age, have been reported seriously wounded in the crossfire in just two districts of Mogadishu between February and mid-May 2008 alone.

27. Child protection monitors have reported cases of children being injured or killed as a result of crossfire, mortar attacks, grenade launches or the rare targeted

[1] The Hides and Skins Centre was the location of a government agency that supported the tanning of leather when that was an important economic activity in the country. Although the tanning activities are defunct, the name remains.

shooting, while in their homes, on the street, in the market, walking home from school or playing football.

28. On 1 July 2007, a 7-year-old boy was killed when he was caught in the crossfire of the Transitional Federal Government forces in the Dayniile district of Mogadishu. In retaliation for a roadside bomb that exploded as they were passing, Transitional Federal Government troops opened fire, killing a pregnant woman and a young boy on 15 July 2007. A 14-year-old girl was shot and killed by the Ethiopian military on 9 October 2007 when she was demonstrating against the Ethiopian military presence in Somalia. On 2 November 2007, a 14-year-old boy, along with five others, was also fired on and killed by the Ethiopian forces in Mogadishu during anti-Ethiopian demonstrations.

29. On 8 February 2008, two boys (one 8 years old, the other 7) were shot by Transitional Federal Government security forces in front of the 15th May High School, where those forces were stationed. The boys had reportedly approached the troops to ask for leftover food, but the soldiers had mistakenly assumed the boys were about to launch grenades.

30. Several deaths of children were also attributed to anti-Government and clan militia members. For example, on 8 November 2007, a 1-year-old baby was killed in a crossfire between Ethiopian and Transitional Federal Government forces and anti-Government armed groups as her mother was trying to escape. On 1 December 2007, a grenade launched by anti-Government groups to attack Transitional Federal Government forces in the Bakaraaha market killed two people, including an 8-year-old boy.

31. There is a persistent danger to children from explosive remnants of war, landmines and other such devices. The numbers of unexploded ordnance accidents involving children in and around Mogadishu increased following the bombardment of the capital by Transitional Federal Government and Ethiopian forces in April 2007. Between January and June 2007 there were more than 28 landmine accidents in southern Somalia, killing 8 children and wounding 10, and 33 incidents involving bombs or unexploded ordnance that killed 25 children and wounded 46.

32. On 6 May 2007, two children were killed and eight others wounded when a device exploded while they were playing in Mogadishu's Dayniile neighbourhood. On 8 May 2007, three children were wounded when a landmine exploded near a school in the Jilib district, and a 10-year-boy was killed, along with four Government soldiers, in a roadside bomb explosion on 27 May 2007. Further, on 18 March 2008, three children were killed and one injured while playing with unexploded ordnance in Balguri, Afgooye, in Lower Shabelle.

33. On 3 July 2007, three children died and two were injured while they were reportedly searching for remnants of explosives that AMISOM troops had detonated in the Jezira district, in the south-western part of Mogadishu, and on 6 July 2007, a piece of unexploded ordnance detonated killing eight people, including five children, in central Mogadishu. On 8 July 2007, eight children were killed after stumbling upon unexploded ordnance hidden in garbage in the capital.

C. Rape and other sexual violence

34. Reported cases of rape and other sexual assaults carried out against children increased from 115 last year to 128 during the period from 16 March 2007 to 15 March 2008. Of the rape cases of children reported by child protection monitors, only a minority are alleged to have been carried out by parties to the conflict. Nonetheless, the continued fighting has rendered women and children more vulnerable to sexual violence because of displacement, destitution, the breakdown of the rule of law and the re-emergence of armed groups and freelance militias — all a result of the ongoing conflict. There are reports of victims as young as 3 months old. Most at risk are women and girls living in open and unprotected settlements for internally displaced persons, particularly those who belong to a clan that is a minority in the area where they are living.

35. In the Raf and Raho and Tuur Jalle settlements for internally displaced persons in Bosaso there were 31 cases of rape against children reported in one month alone. In the Bulo Mingis settlement in Bosaso 25 rapes of children were reported in October 2007. In the first week of November 2007, three girls, aged 7, 12 and 18 years, were raped in the settlement. Forty children were raped and 12 children experienced attempted rape in five settlements for internally displaced persons in Somaliland during 2007, including Hargeisa and Sheikh-nur. Internally displaced persons in most settlements reported that the perpetrators were fellow internally displaced persons, people from the host community and the police.

36. Though most of the reported rapes have been carried out by civilians, there are several reports of rape by parties to the conflict, including militia members and Transitional Federal Government and Ethiopian troops. In particular, roadblocks set up and controlled by militias or gangs are locations where many incidents of sexual violence have reportedly occurred. In May 2007, militia members stopped a minibus at a checkpoint and raped eight women and five girls. On 15 April 2007, an 18-year-old girl was allegedly gang-raped by Ethiopian soldiers in the Hamar Bille neighbourhood of Mogadishu. On 28 April 2007, a 15-year-old displaced girl was en route to Beletweyne in a passenger car when militia members opened fire. She ran into nearby bushes to escape, but was followed by the militia members and repeatedly raped.

37. There have been several cases of girls raped while fleeing Mogadishu, mostly along the road to Afgooye and Baidoa. In the first half of 2007, there were four such verified cases of girls raped by men dressed in Transitional Federal Government uniforms. In Heliwa district, Transitional Federal Government soldiers were accused of raping four internally displaced women and one teenage girl during what the soldiers claimed was a search for insurgents on 29 July 2007. On 13 October 2007, a 15-year-old girl was told by five armed men in Transitional Federal Government uniforms to fetch the family's valuables and that her brother must leave. When she returned without sufficient valuables, she was raped. On 1 November 2007, a 16-year-old girl was raped by two Transitional Federal Government policemen who were on security patrol.

38. Rapes and other sexual assaults are often carried out with impunity. Traditional and community justice mechanisms frequently ignore the victim and negotiate with members of the perpetrator's clan, proposing a financial settlement (ranging from camels to such sums as $800) to the family of the victim by the perpetrator or his

clan, or marriage of the victim to the perpetrator. Meanwhile, the victim is considered dishonoured.

39. Early or forced marriages are also common practice, which leaves girls vulnerable to rape and sexual assault within wedlock, though it would likely not be reported as such to protection monitors.

D. Attacks on schools and hospitals

40. Attacks on schools and hospitals have not been a prominent characteristic of the conflict in Somalia, though they appear to be on the rise. In mid-May, for example, a hand grenade exploded near a primary school close to the presidential palace in Mogadishu. There were no casualties. It was also reported that Ethiopian forces occupied the Mohamoud Ahmed Ali secondary school for military purposes between April and July 2007. In July and August 2007, there were reports of raids on schools by Transitional Federal Government forces in Mogadishu. Again, as a result of recruiting in schools by UIC and other anti-Government groups, such as Al-Shabaab, learning institutions are sometimes regarded as potential targets by the Transitional Federal Government and Ethiopian troops. On 26 July, Transitional Federal Government forces stormed an Islamic school and abducted 4 teachers and 20 students.

41. More recently, on 19 April 2008, during an attack on the Al-Hidayo mosque, Ethiopian forces raided an attached madrasa and detained 50 students under the age of 18 years. Thirty-two of those students were released a few days later; however, at the time of writing, 18 are still being detained by the Central Intelligence Department of the Transitional Federal Government. Their condition, as well as the reason for an extended detention without trial, is unknown.

42. At least 60 per cent of schools in Mogadishu (144 schools in six districts) remain closed, leaving an estimated 50,000 children without instruction. Of the schools that are open, most have seen reduced or sporadic attendance because of poor security, curfews and roadblocks.

43. Hospitals, particularly in Mogadishu, are stretched to capacity and are vulnerable to looting of their supplies. Several hospitals have also been forced to close. In April and May 2007, several hospitals, including the SOS, Al-Hayat and Al-Arafat hospitals, were attacked with mortar rockets. The Al-Arafat hospital is no longer functional following the attack. On 18 August, mortar shells from clashes between Ethiopian and Transitional Federal Government forces and anti-Government forces once again hit the SOS hospital.

E. Abductions

44. Abductions are mainly criminally motivated in Somalia. Often the goal is ransom money, although sometimes girls are abducted to be raped. No abductions by parties to armed conflict have been recorded during the reporting period.

F. Denial of humanitarian access

45. Since the early 1990s, the capital, Mogadishu, has not been sufficiently secure to be used as a base for the United Nations country team; thus, the country team has been operating out of Nairobi, in neighbouring Kenya. The capital and much of the country have been inaccessible to international humanitarian personnel for many years. This has impaired monitoring and accountability of programmes, reduced delivery of aid even during acute humanitarian crises and rendered the local staff and international staff operating in Somalia more vulnerable to attacks.

46. National employees are at greater risk as agencies rely more and more on Somali staff and implementing partners. Key routes that would normally ease humanitarian access have been the scenes of attacks, roadside bomb explosions and assassinations. Aid workers accompanied by armed escorts provided by the Government are vulnerable to attack by anti-Government armed groups, while independent escorts face forcible disarmament by Transitional Federal Government and Ethiopian forces.

47. Checkpoints and roadblocks are a major obstacle, particularly in central and southern Somalia. From January 2007 to February 2008, the number of roadblocks in Somalia has reportedly more than doubled to 396, according to United Nations sources. Of that total, 77 are in Hiran, on the central Somalia coast and in Galgudud. Seventeen of those 77 roadblocks are manned by local militias, and the remaining 60 are reportedly manned by Transitional Federal Government and local government forces. The United Nations is concerned that checkpoints and roadblocks pose an additional challenge to wounded or sick children and women trying to get access to medical assistance in Mogadishu. According to reports, families have been stopped and turned back at checkpoints in the city, particularly at night, while trying to reach medical care.

48. Further disruptions of humanitarian aid have been periodic temporary bans on travel to parts of Somalia by international staff and even United Nations staff members who are Somali nationals. The United Nations further reports that pilots have refused to travel to Mogadishu because of security concerns. In Puntland, in particular, the threat of kidnapping has been quite elevated and has led to periodic travel restrictions. In addition, the Somali border with Kenya remained closed during the reporting period. Permission for the transport of humanitarian cargo to the border is being granted only on an ad hoc basis.

49. A United Nations convoy moving from Baidoa to Mogadishu was set upon by unknown attackers between the towns of Afgooye and Lafole on 20 March 2007. The southern warehouse of the United Nations Children's Fund (UNICEF) in Mogadishu remains inaccessible, as Ethiopian troops positioned in front of it have banned all movement. On 8 February 2008, three hand grenades were launched at the United Nations Mogadishu compound.

50. Owing to a series of kidnapping threats against foreigners in Puntland, there is great concern that aid workers are being viewed as an economic bargaining chip. Two CARE International staff were abducted in southern Puntland on 8 May 2007 and released a week later.

51. The World Health Organization office in Mogadishu was attacked by armed gunmen on 16 May 2007, wounding a guard. On the same day, a roadside bomb

killed four AMISOM troops. On 27 June 2007, two staff members of the International Medical Corps were killed by gunmen in El-Berde. The NGO temporarily suspended all activities in the Bakol region.

52. In July 2007, a Somali staff member of Médecins sans frontières Switzerland was reportedly shot dead by a man wearing a Transitional Federal Government army uniform in the provincial town of Beletweyne, Hiran region. Two female staff members of Médecins sans frontières were kidnapped in Puntland on Christmas Day 2007 and released a week later. In southern Somalia, on 28 January 2008, three Médecins sans frontières staff members were killed near Kismayo hospital when a roadside bomb exploded. Médecins sans frontières evacuated its staff from Kismayo, and by February 2008, it had pulled its foreign staff out of Somalia altogether.

53. Somalia's National Security Service detained the World Food Programme (WFP) officer-in-charge of its Mogadishu office for five days in October 2007, forcing WFP to temporarily suspend food distributions to thousands of people. In February 2008, a German aid worker from German Agro Action was kidnapped on his way to Waqadiriya, in an area claimed by both Puntland and Somaliland. He was released 12 hours later. On 16 February 2008, a private convoy carrying WFP food was stopped and the convoy leader shot and killed by the militia manning the roadblock.

54. Piracy off the coast of Somalia continued to be a problem for aid agencies attempting to deliver food and other supplies. Shipping is the principal and fastest route used by WFP to move large amounts of food aid to Somalia. The International Maritime Bureau reported 31 acts of piracy in 2007 — three against ships carrying WFP food. In May 2007, a Somali guard was killed while helping repulse a pirate attack on a ship that had just delivered WFP food assistance to the Somali port of Merka. Responding to a WFP appeal to the international community and stipulations of Security Council resolution 1772 (2007), the French navy began escorting WFP shipments in November 2007. As a result, WFP was able to bring in enough food to feed 300,000 people for six months and to build up its in-country stocks. At the beginning of 2008, Denmark took over the escort operation.

IV. Dialogue and action plans to redress violations of children's rights

55. The Nairobi-based protection monitoring network Steering Committee (which includes the monitoring and reporting task force established under resolution 1612 (2005)) continues to coordinate activities around joint advocacy and response to negative trends in the protection of civilians, with a special focus on women, children, internally displaced persons and other vulnerable groups. There is a protection cluster working group in Somaliland and Puntland, as well as in Baidoa and Mogadishu, that meets monthly as conditions allow. There is also a sub-cluster on gender-based violence in Baidoa.

56. Child protection monitoring partners, all of which are Somali NGOs in partnership with UNICEF, are members of regional child protection networks to which they report violations. The child protection networks take decisions on responses to violations at the regional level. These responses often take the form of

dialogue and advocacy with local government, the traditional leaders and sometimes perpetrators. Other network members are sometimes able to intervene with prevention activities, and the Office of the United Nations High Commissioner for Refugees (UNHCR) also has a network of over 15 monitoring partners that report on human rights violations, particularly in environments where internally displaced persons are located. UNICEF and UNHCR have continued to invest in the monitoring network by training in interview techniques, confidentiality issues, and appropriate responses and advocacy.

57. UNICEF continues to support Somali NGOs that are conducting dissemination and advocacy sessions with parliamentarians and other office-bearers from the Transitional Federal Government, focusing on the illegality under international law of using children in conflict, as well as other child protection issues. During 2007, targeted advocacy on child recruitment took place with Members of Parliament, and specifically with the Speaker of the Parliament; the Chairperson of the Parliamentary Committee for Human Rights; and the Justice Minister and the Directors General of the Ministries of Interior, Women and Family Affairs, and Education.

58. Discussions between UNICEF and the Ministry of Women and Family Affairs on support for a Government-led advocacy and action plan against the use of children in conflict have been ongoing throughout the reporting period. However, progress has been set back by changes in the cabinet and the location of the Ministries towards the end of 2007. It is hoped that during 2008, the Ministry will be able to take further its commitments to the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups of February 2007.

59. On 20 September 2007, heads of United Nations agencies met with the President and the Prime Minister of the Transitional Federal Government to discuss improved security and access to humanitarian aid for those displaced by the ongoing conflict in Mogadishu. From the start of 2007 to the time of the meeting, the number of people needing assistance rose by half a million, to 1.5 million. UNICEF also issued an appeal in November 2007 to all parties to the conflict to allow civilians and children in need of medical assistance to pass safely through checkpoints.

60. On 1 November 2007, the acting Humanitarian Coordinator for Somalia directly appealed to the highest levels of the Transitional Federal Government to respect international humanitarian law, especially regarding the distinction between civilians and combatants during times of armed conflict; to stop further forced displacement or threats of it; to allow safe and unhindered access to humanitarian aid; and to ensure the safety of all humanitarian staff and assets.

61. In December 2007, the Executive Director of UNICEF called for the creation of safe zones so that children and families could have access assistance and find stability in Somalia. The UNICEF representative in Somalia recommended that schools open in Mogadishu and serve as "safe havens".

62. UNICEF and other agencies have advocated with the Transitional Federal Government for the earliest possible release of children still in detention, and are working with local partners to reach those already released with appropriate support, including psychosocial interventions.

63. Consultations with the strategic assessment team led by the Department of Political Affairs, supported by the Peacebuilding Support Office, and including the

Department of Peacekeeping Operations, the United Nations Development Programme (UNDP), the Office for the Coordination of Humanitarian Affairs and other United Nations agencies, were held in January 2008. Those consultations coincided with a fact-finding mission to Somalia led by the Department of Peacekeeping Operations to develop contingency plans for the deployment of United Nations peacekeepers and to decide on further support for AMISOM. The subsequent report of the Secretary-General was endorsed by the Security Council in its resolution 1814 (2008), emphasizing an integrated United Nations strategy in Somalia to align political, security and programmatic efforts, and an assessment of the capacity of the United Nations Political Office for Somalia to monitor and enhance the protection of human rights.

V. Follow-up and programmatic response to violations

64. A joint United Nations Task Force on Disarmament, Demobilization and Reintegration, headed by UNDP, has recently been established. In conformity with integrated disarmament, demobilization and reintegration standards, the terms of reference of the Task Force provide that children released from armed forces will be reintegrated into general society when the disarmament, demobilization and reintegration process takes place. To date, however, no concrete disarmament, demobilization and reintegration programmes have been initiated, since the conflict continues and the parties have expressed no willingness to demobilize forces. However, throughout the reporting period, UNICEF advocated against child recruitment, with a focus on prevention.

65. In late 2007, the regional administration in Jowhar (Middle Shabelle) began a small-scale demobilization process. The Governor of Middle Shabelle has admitted to the presence of children in the Government forces and has requested the assistance of the United Nations in reintegrating them once the demobilization process is complete. UNICEF has made a commitment to help link these under-18-year-olds with existing services where they exist, in the absence of a formal reintegration programme.

66. UNICEF and Save the Children UK carried out predeployment training for AMISOM troops in their countries of origin during 2007. The training focused on the protection of civilians (especially children), HIV/AIDS, sexual abuse and exploitation, and pertinent aspects of international humanitarian law. During 2008, UNICEF intends to support the creation of a child protection unit at the AMISOM base in Mogadishu.

67. In early June 2007, the United Nations country team conducted advocacy after the detention of more than 20 children from the school at the Al-Huuda mosque in Mogadishu. UNICEF met with the Mayor of Mogadishu, the Police Commissioner and others, and once it was clear that the children had all been released, NGO partners of UNICEF conducted some psychosocial care and follow-up support, as well as family tracing and reunification.

68. Community mobilization against sexual violence, child recruitment and other issues affecting children in conflict (such as mine-risk education), as well as family tracing and psychosocial care and support, have been offered to families displaced by the latest round of violence.

69. Several aid agencies are also working through partners to provide emergency education facilities to displaced children, with a focus on the role schooling can play in preventing child recruitment, child labour and crimes committed by minors.

70. In January 2008, the Women and Child Care Organization of Jowhar organized a symposium to provide communities with a forum to discuss the harmful effects of armed conflict on children, stressing the obligations of parents. Organizers were encouraged by the attendance of the religious scholars and the Jowhar District Commissioner, who promised that the Middle Shabelle administration was committed to ensuring that children were not recruited into local militias.

71. UNICEF has supported ongoing advocacy through radio to appeal to the parties to the conflict to respect the rights of children and other civilians. In particular, since June 2007, mine-risk education spots have been aired on stations that reach Mogadishu and the surrounding areas. One of the main radio stations in Mogadishu with coverage in six regions of central and southern Somalia has been broadcasting messages and discussions against child recruitment and providing information on services available for survivors of sexual violence.

72. An assessment was carried out by the United Nations Mine Action Service in Mogadishu in mid-2007. Following the recommendations of that report, UNDP has established a mine action centre in Baidoa, which is now training and deploying clearance teams and supporting AMISOM troops in the disposal of bombs and unexploded ordnance in Mogadishu. UNICEF is providing technical assistance to the mine action centre to ensure that mine-risk education informs children about the threat posed by unexploded ordnance and landmines.

VI. Recommendations

73. All relevant parties are urged, as a matter of priority, to implement the recommendations of my first report on the situation of children and armed conflict in Somalia (S/2007/259) and the subsequent conclusions and recommendations of the Security Council Working Group on Children and Armed Conflict (S/AC.51/2007/14), and to comply without further delay with the resolutions of the Security Council on children and armed conflict to halt the grave child rights violations and abuses for which they have been cited.

74. The Transitional Federal Government is strongly urged to stop all new recruitment of children and to demobilize unconditionally all children who participate in any capacity in its armed forces. It is called upon to renounce the recruitment and use of children in armed forces, and to affirm its adherence to and respect for international standards on the use of children in armed conflict. Furthermore, as recommended by the Working Group on Children and Armed Conflict, the Transitional Federal Government is encouraged to sign and ratify as early as possible the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, as well as to ratify the Convention itself and align national legislation with that commitment (see S/AC.51/2007/14).

75. The Transitional Federal Government and all other armed forces or groups in Somalia are once again urged to fully comply with their obligations under international humanitarian law, in particular with regard to the protection of civilian

populations and objects during combat. All parties to the conflict are called upon to make all efforts to minimize civilian casualties during fighting.

76. The Transitional Federal Government and other appropriate authorities in Somalia are urged to redress the prevailing culture of impunity, to launch investigations into all incidents of grave child violations and to bring the perpetrators to justice, as reiterated by the Working Group on Children and Armed Conflict (see S/AC.51/2007/14). All appropriate authorities are also encouraged to increase child protection, law enforcement and judicial capacities.

77. The Transitional Federal Government is urged to end the detention of children in violation of international standards and to ensure the immediate release of the remaining children to child protection partners.

78. As recommended by the Working Group on Children and Armed Conflict, the Transitional Federal Government, with necessary assistance from the international community, is strongly encouraged to control the proliferation of small arms, as their ready availability renders children more vulnerable to grave violations and other crimes (see S/AC.51/2007/14).

79. The Transitional Federal Government is also urged to engage in a genuine reconciliation process with all factions within the country to create conditions for security and stability, which would allow for the development and reconstruction of Somalia. All parties are also urged to engage in a renewed reconciliation process to explicitly agree to child protection provisions and to focus on post-conflict rehabilitation for children.

80. Remnants of UIC forces, clan militias and all other armed groups are strongly urged to cease the recruitment and use of children in their ranks and to demobilize unconditionally all children currently participating in their forces.

81. The Ethiopian forces are urged to refrain from indiscriminate attacks against civilians and civilian objects, including but not limited to schools and hospitals, and to ensure that all necessary precautions are taken to minimize child casualties during military operations.

82. The Ethiopian authorities are urged to systematically investigate allegations of grave violations against children by their forces and to take necessary action against those who wilfully commit such violations, including rape and sexual violence.

83. In accordance with the 1992 arms embargo on Somalia concerning the provision of military material and other forms of military support, all relevant Member States, including Ethiopia, are once again called upon to immediately stop the exportation of arms to Somalia, including exports in violation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction.

84. The authorities of Somaliland and Puntland are urged to end hostilities along the border between Sanag and Sool and to engage in comprehensive negotiations to bring the dispute to a peaceful end.

85. The continued lack of humanitarian access in Somalia, particularly in the central and southern regions, is a serious concern. All parties to the conflict are called upon to ensure unhindered and safe humanitarian access for children, to allow the free passage of humanitarian aid to respect the exclusively humanitarian nature

and impartiality of aid and to respect the markings and emblems of humanitarian organizations without distinction.

86. The Government of Kenya is urged to open its border with Somalia to facilitate access to humanitarian aid, while putting in place necessary screening procedures to allow asylum-seekers, particularly women and children, to find refuge and protection.

87. In the light of the deployment of its AMISOM troops, the African Union is strongly encouraged to include in its mandate the provision of child protection advisers and to strengthen the monitoring and reporting of grave violations against children in armed conflict to allow for prompt advocacy and effective response to such situations. The African Union is urged to fulfil its troop-deployment commitment to assist in establishing security and aid in the reconciliation process.

88. Given continued grave violations against children in Somalia, I call upon all responsible United Nations bodies to ensure that the protection of children is addressed as a priority in the ongoing peace process and to strengthen the protection dialogue with relevant parties to the conflict. Furthermore, child protection advisers should be incorporated in the United Nations Political Office for Somalia, and in any future deployment of a United Nations peacekeeping operation, to serve as interlocutors with child protection actors.

89. As expressed in my annual report to the Security Council on children and armed conflict (A/62/609-S/2007/757), the Security Council is encouraged to refer to the International Criminal Court, for investigation and prosecution, violations against children in armed conflict that fall within its jurisdiction.

90. Cognizant of the significant access and security constraints, the United Nations country team is called upon to continue to establish systematic protection dialogue with all parties to the conflict with the goal of creating concrete, time-bound action plans to end all grave violations against children, particularly the recruitment and use of child soldiers.

91. The international community is encouraged to dedicate the required and timely support and resources to Somalia for child protection, including through a more systematic approach to strengthen local capacity in advocacy, community awareness and response to child rights violations within the country and in settlements of internally displaced persons and refugees.

92. My Special Representative for Children and Armed Conflict is requested to undertake a mission to Somalia in the near future to assess first-hand the situation for children and the implementation of the recommendations in my reports and those of the Security Council Working Group on Children and Armed Conflict.

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Report of the Secretary-General on the United Nations Operation in Cyprus

I. Introduction

1. The present report on the United Nations operation in Cyprus covers developments from 16 November 2007 to 23 May 2008 and brings up to date the record of activities carried out by the United Nations Peacekeeping Force in Cyprus (UNFICYP) pursuant to Security Council resolution 186 (1964) and subsequent Council resolutions, most recently resolution 1789 (2007).

2. As at 15 May 2008, the strength of the military component stood at 853, including all ranks, and the strength of the police component stood at 69 (see annex I).

II. Good offices mission and other developments

3. Since my previous report (S/2007/699 and Corr.1), a number of significant developments have taken place. The February 2008 elections in the Republic of Cyprus brought to power Demetris Christofias who, immediately upon assuming office, expressed his intention to reach out to the Turkish Cypriots and their leadership. For his part, Mehmet Ali Talat, the Turkish Cypriot leader, congratulated Mr. Christofias and expressed hope for the start of a new era in Cyprus.

4. On 21 March, only three weeks after Mr. Christofias' inauguration, the two leaders met in the presence of my then Special Representative and agreed on a path towards a comprehensive settlement (see annex II). The agreement entailed the establishment of a number of working groups, to consider the core issues pertaining to an eventual settlement plan, and of technical committees, to seek immediate solutions to everyday problems arising from the division of the island. They also agreed to meet again in three months to review the work of the working groups and the technical committees and, using their results, to start full-fledged negotiations under United Nations auspices. In addition, the leaders agreed to meet as and when needed prior to the commencement of full-fledged negotiations. Moreover, they decided to open a crossing at Ledra Street in the centre of old town Nicosia, which had for many years been a symbol of the division of Cyprus.

5. On 26 March, representatives of the leaders agreed to establish six working groups on governance and power-sharing, European Union matters, security and

guarantees, territory, property and economic matters, as well as seven technical committees on crime and criminal matters, economic and commercial matters, cultural heritage, crisis management, humanitarian matters, health and the environment. Over the following month, the representatives met almost on a daily basis, in the presence of my acting Special Representative, to determine the specific issues to be covered by the groups and committees. On 14 April, they requested the United Nations by way of letters to "provide the required infrastructure and personnel support to allow the parties to carry forward the process" leading to a comprehensive settlement. On 22 April, the groups and committees began to meet. They have been coming together on a regular basis since then, as foreseen by the leaders, and facilitated by the United Nations.

6. In late March, I dispatched the Under-Secretary-General for Political Affairs, Lynn Pascoe, to Cyprus and a week later to Greece and Turkey so as to assess the situation and to determine how the United Nations could best support the process agreed to on 21 March. In Cyprus, he met three times with Mr. Christofias and Mr. Talat. He also met with Greek Cypriot and Turkish Cypriot political party leaders and civil society representatives. In Greece and Turkey, he met with the respective Foreign Ministers and senior Foreign Ministry officials. All parties confirmed their commitment to reaching a comprehensive settlement of the Cyprus problem under my auspices and their willingness to support and engage fully and in good faith to achieve that goal.

7. In mid-April, the Under-Secretary-General briefed the Security Council on the outcome of his mission. The President of the Council subsequently issued a statement (S/PRST/2008/9) in which he said the Council welcomed the 21 March agreement and expressed the hope that the results of the preparatory period would build trust, momentum and a sense of common interest in the search for a just and lasting solution. The Council also supported my readiness to assist the parties in Cyprus and, should progress warrant it, the appointment of a Special Adviser after the initial preparatory phase.

8. As agreed on 7 May (see para. 26 below), the leaders held an official meeting on 23 May, hosted by my new Special Representative, Tayé-Brook Zerihoun, who assumed his position on 13 May. Following the meeting, they issued a joint statement (see annex III) reaffirming their commitment to a bizonal, bicommunal federation with political equality, as defined in relevant Security Council resolutions. They also said in the statement that the partnership would have a Federal Government with a single international personality, as well as a Turkish Cypriot Constituent State and a Greek Cypriot Constituent State, which would be of equal status. At the instruction of the leaders, their representatives would examine the results of the technical committees 15 days after the official meeting and consider civilian and military confidence-building measures, including Limnitis/Yesilirmak and other crossing points. The leaders also decided to meet again in the second half of June to make a new assessment.

9. In early January, I met with the President of Turkey, Abdullah Gül, who expressed Turkey's support for a comprehensive settlement under United Nations auspices. Also in January, I met with the Prime Minister of Turkey, Recep Tayyip Erdogan, who did not anticipate any significant developments until after the February elections in the Republic of Cyprus. To both, I stressed the importance of generating an atmosphere in Cyprus conducive to the building of trust. On

13 March, on the margins of the summit of the Organization of the Islamic Conference, held in Dakar, I met with Mr. Talat, who opined that the Cyprus problem was entering a "new promising era" and stated that he looked forward to the meeting with the recently elected Mr. Christofias (see para. 3 above).

III. Activities of the United Nations Peacekeeping Force in Cyprus

A. Prevention of a recurrence of fighting and maintenance of the military status quo

10. During the last reporting period, significant confidence-building measures were agreed upon with the opposing forces during the last reporting period. In December, guidelines were agreed upon with the Turkish Forces for the clearance of mines in the remaining areas attributed to their side, with the exception of a single field south of Varosha. The opening of the Ledra Street crossing was another case where UNFICYP fostered a breakthrough agreement between the sides (see para. 13 below). While minor violations along the ceasefire lines associated with ill-discipline of troops and attempts at low-level intimidation and provocation of the opposing side remained commonplace, the overall security situation remained stable. UNFICYP continues to make concerted efforts to forge closer liaison ties with the opposing forces; robust mechanisms are now in place, in all sectors, to ensure that issues which arise are resolved quickly and at the appropriate level.

11. The total number of violations and other incidents reported during the current reporting period was 354. That figure represents a decrease of 11 from the last reporting period and a decrease of 97 from the same reporting period in 2007. Typical violations were minor in nature and had little effect on the stability of the ceasefire lines. Such violations included unauthorized attempts to improve or repair military positions, minor incursions into the buffer zone, the overmanning of observation posts and the photographing of positions of the opposing side.

12. A number of airspace violations were reported during the reporting period. In December, a C-130 Hercules aircraft was observed over the buffer zone; the aircraft dropped two parachutists, who landed south of the National Guard ceasefire line. A National Guard Mi-35P (Hind) attack helicopter was reported, apparently on a training or familiarization task, overflying the buffer zone in January. In addition, the Turkish Forces routinely employed helicopters to resupply and rotate troops through positions in the Kokkina pocket, flying very close to the buffer zone.

13. In order to implement the 21 March decision of the leaders and prepare for the opening of the crossing point at Ledra Street, UNFICYP liaised extensively with senior commanders of the opposing forces to agree on the military-technical terms. Following a series of meetings between UNFICYP and senior officers from the Turkish Forces, an agreement was reached on 25 March on technical terms for the clearance of mines and explosive munitions from Ledra Street, the securing of the facades of buildings along the street, which was co-funded by the European Union and carried out by the Partnership for the Future programme of the United Nations Development Programme (UNDP), and on the running of the crossing point. On 3 April, UNFICYP conducted a major security operation to support the opening of the crossing point. The principal tasks undertaken included monitoring the

withdrawal of National Guard and Turkish Forces/Turkish Cypriot Security Forces soldiers from their respective positions on either side of the crossing, escorting members of the political and diplomatic communities into the buffer zone for the opening ceremony and facilitating press coverage.

14. Following the opening of the Ledra Street crossing point, an incident occurred in the area on the evening of 3 April that resulted in a brief closing of the crossing point. Although the situation was quickly resolved by UNFICYP and the crossing point reopened later that night, it showed that both sides need to demonstrate cooperation and restraint in the course of managing the crossing point.

15. Since then, the crossing point has functioned without problems and is used by thousands of people from both sides on a daily basis. The highly symbolic opening has translated into an important confidence-building factor in relations between the two communities, strengthening the trust of citizens on both sides of the island that the ongoing negotiations can yield tangible results.

16. The Turkish Forces continued to impose restrictions on the movement of UNFICYP. Measures included the continued denial of routes on the Karpas peninsula and the imposition of tight controls on access to, and the conduct of operations within, the fenced area of Varosha, as noted in my previous report. In one instance, the UNFICYP Commanding Officer of sector 4 was denied entry to Varosha to inspect troops under his command deployed in the fenced area. The United Nations continues to hold the Government of Turkey responsible for the status quo in Varosha. In an unexpected change from previous practice, controls were imposed by the Turkish Forces that restrict the use of established civilian crossing points through the buffer zone by United Nations personnel travelling in plain clothes or off-duty in United Nations marked vehicles. In another case, the Turkish Forces repeatedly protested flights by United Nations helicopters over their observation post on the Pyla plateau.

17. The opposing forces conducted low-level training at observation posts and near the buffer zone but refrained from conducting major exercises or manoeuvres. In December, the Turkish Forces conducted training that included the firing of mortar illumination rounds and of flares in the vicinity of their ceasefire line. Both sides completed terrain briefings at observation posts to orient mobilized reservists and, as a result, substantially overmanned those positions. It is hoped that both sides will refrain in future from conducting such major exercises as previously held (Exercise Nikiforos and Exercise Toros), since such restraint would help to build further confidence.

18. Positions established by both forces in the Dherinia area, which violate the status quo in the area, referred to in my last report and my reports of 1 December 2006 (S/2006/931) and 4 June 2007 (S/2007/328), remain unchanged. The Turkish Forces retain the checkpoint in the Laroujina pocket, referred to in my last report and my report of 23 May 2006 (S/2006/315), contrary to the standing local agreement negotiated with UNFICYP. The Turkish Forces have completed regular inspection of the liaison post at Strovilia and have repeatedly overmanned the position in violation of the military status quo in the area.

B. Demining activity in the buffer zone

19. Following a protracted series of meetings that commenced in October 2006, guidelines for the clearance of 16 suspected mined areas attributed to the Turkish Forces were formally agreed upon. The Turkish Forces have yet to agree to the clearance of several additional mined areas of unknown origin, as well as the last remaining minefield attributed to the Turkish Forces, which is located in the Dherinia area, south of Varosha.

20. Since agreement on the current guidelines was reached, the Turkish Forces have provided minefield records and maps for the 16 suspected mined areas attributed to their side. The records show 26 separate minefields within the 16 suspected areas, an increase of 67 per cent in newly reported areas since the inception of the programme. In total, the minefields contain an estimated 20,000 landmines (5,000 anti-tank mines, 15,000 anti-personnel mines and 81 booby traps), a figure that exceeds all previous estimates. Work is ongoing in those areas.

21. The Mine Action Centre, established under the UNDP Partnership for the Future programme, is currently funded by the European Union until December 2008. Operations to be completed under the current guidelines agreed upon with the Turkish Forces are likely to extend beyond that period. Additional funding will thus be required to complete the clearance of the 26 minefields.

22. On 28 March, a deminer suffered traumatic injuries in a mine explosion, as a result of which he lost a limb. The deminer, a national of Mozambique, was medically evacuated to Johannesburg, South Africa, for treatment and prosthesis. That tragic incident serves as a reminder of the enduring threat posed by landmines in the buffer zone.

C. Restoration of normal conditions and humanitarian functions

23. Cypriots from both sides continued to seek UNFICYP facilitation on various issues. The requests for facilitation ranged from religious and educational issues, the conduct of commemorative and sociocultural events, the evacuation of patients and the transfer of the deceased, to law enforcement matters. UNFICYP continued to support intercommunal initiatives across the island and to provide humanitarian assistance to communities living on the opposite side.

24. During the reporting period, UNFICYP recorded approximately 1 million crossings through the buffer zone. Total crossings for the month following the opening of Ledra Street exceeded the number recorded during the same period in 2007 by more than 50 per cent. That figure illustrates the significant positive impact which the opening of Ledra Street has had on contacts between the two communities. During the reporting period, goods worth approximately €662,400 crossed from the south to the north and goods worth approximately €2 million crossed in the opposite direction.

25. Also during the reporting period, UNFICYP facilitated 77 bicommunal events, which brought together 4,117 persons from both communities. Those events were held at Ledra Palace Hotel in the buffer zone, which continues to be considered by both sides as a neutral venue where members of the two communities can jointly discuss issues of common interest.

26. Regular monthly meetings between Greek Cypriot and Turkish Cypriot political party leaders continued to be held at the Ledra Palace Hotel under the auspices of the Embassy of Slovakia. In keeping with the agreement reached on a range of bicommunal confidence-building measures, as mentioned in my last report, on 6 December 2007, with UNFICYP facilitation, political party leaders made a joint visit to the Ledra Street crossing as a gesture of support to its then prospective opening. The two community leaders joined political party leaders during a social event on 7 May 2008 for an informal exchange of views on the current situation in Cyprus.

27. During the reporting period, UNFICYP carried out 62 humanitarian convoys and visits in support of 375 Greek Cypriots and 136 Maronites living in the northern part of the island. UNFICYP also continued to assist Turkish Cypriots in the southern part in obtaining identity documents, housing, welfare services, medical care, employment and education. The mission continued to receive with concern reports about the demolition of Greek Cypriot houses in the north, as described in my last report. That included demolitions carried out in the village of Kondemenos in Kyrenia without the consent of the Greek Cypriot owners of the properties. Since 2003, UNFICYP has received 54 requests by Greek Cypriot and Maronite internally displaced and refugee families that wish to return and permanently reside in the north. Those requests are pending owing to differences between the two sides over the criteria of eligibility for permanent returns.

28. As mentioned in my last report, a Turkish-language primary school in Limassol is still not operational. On 26 March, the Supreme Court of the Republic of Cyprus rendered its decision on a lawsuit filed by the Cyprus Turkish Teachers' Trade Union on the constitutional right of Turkish-speaking citizens of the Republic of Cyprus to receive education in their mother tongue. The Supreme Court, in its decision, rejected the case, arguing that the Republic of Cyprus had made adequate provisions for the education of Turkish-speaking children through the existing school system and citing the lack of interest from the Turkish-speaking community in Limassol.

29. UNFICYP continued discussions with concerned parties on the management of civilian activities in the buffer zone, outside civil use areas, without destabilizing the status quo between the opposing forces. To that end, coordination arrangements were established with relevant authorities to address the trend of unauthorized construction, including large-scale commercial projects, with potential for tension in the buffer zone, in particular by persons from the Greek Cypriot community. During the reporting period, the mission authorized 27 projects in the buffer zone, outside the civil use area, including agricultural irrigation infrastructure, maintenance of rural roads and housing.

30. In the mixed village of Pyla in the buffer zone, UNFICYP continued liaising with the two communities to assist in preserving good relations between them and facilitating civilian undertakings outside the civil use area. Regrettably, during the reporting period, unknown individuals repeatedly perpetrated acts of vandalism at the two Greek Cypriot and Turkish Cypriot primary schools. On 1 April, the Greek Cypriot side violated the status quo in Pyla by simultaneously flying the national flags of Greece and the Republic of Cyprus at the Greek Cypriot Sports Club. According to arrangements monitored by UNFICYP, only one of those flags should be flown there on three designated days of the year. Similar arrangements are in

place for Turkish Cypriot buildings in Pyla. UNFICYP mediated between the two communities to defuse any potential for tension. The two Greek Cypriot and Turkish Cypriot *mukhtars* of the village have since met in a joint council in which they agreed, among other issues, to resolve the incidents and work together on bicommunal initiatives. On 6 December, 19 March and 9 May, primary and secondary school students from the two communities participated in sports activities in Pyla, with UNFICYP facilitation.

31. Despite UNFICYP efforts, as described in my last report, the two sides have yet to agree on the modalities to address the issue of preservation, renovation and access to sites and icons of religious and cultural significance on both sides of the island. During the reporting period, UNFICYP facilitated four religious and commemorative events. On 1 December and on 8 March, about 50 Greek Cypriot worshipers held services at the Temple of Apostle Barnabas in the north. On 18 April, 250 Greek Cypriot students gathered at the Church of Ayios Neophytos in the buffer zone in the area of Troulli to celebrate the international day of monuments and sites. On 28 April, 200 Greek Cypriots participated in the annual pilgrimage to the Varisha Church in the buffer zone, west Nicosia. On 1 May, over 250 Greek Cypriots attended prayers at the Church of Ayios Georgios Soleas in the buffer zone.

32. UNFICYP continued to liaise between the two sides on law enforcement and issues related to crossings through the buffer zone. Since my last report, the mission facilitated 29 medical evacuations and the transfer of the remains of 5 Greek Cypriots to the north for burial in their villages, in the Karpas area in the north. Regular prison visits and interviews with inmates and relevant officials continued. There are currently seven Turkish Cypriots detained in the south and two Greek Cypriots detained in the north.

33. Further to my last report, in which I provided information about the escape of two prisoners from Nicosia Central Prison, the refusal of the authorities in the north to return the Turkish Cypriot fugitive remains a contentious matter. UNFICYP is preparing a draft protocol to deal with such incidents in future.

34. UNFICYP continued to develop working relations with police forces on both sides of the buffer zone. Its relations with the Cyprus police have been positive and constructive. By sharing their operational information with UNFICYP, the Cyprus police have taken a step towards developing cooperation in fighting crime on the island. Relations between United Nations police and the Turkish Cypriot police were developing at a slower pace. Despite efforts by UNFICYP, the Turkish Cypriot side was often reluctant to enter into direct cooperation with United Nations police.

35. The extensive illegal dumping of waste in the buffer zone continues to cause environmental and ecological damage. On a daily basis, UNFICYP patrols have encountered individuals illegally dumping waste material. At the initiative of the mission, a survey of illegal dump sites in the buffer zone, some of which contain asbestos and other toxic waste, was conducted in April. That first survey is a significant step towards removing waste from the numerous extensive dump sites in the zone.

IV. Committee on Missing Persons in Cyprus

36. During the reporting period, the Committee on Missing Persons pursued its bicommunal project on the exhumation, identification and return of the remains of missing persons. To date, the remains of nearly 400 individuals have been exhumed on both sides of the buffer zone by teams made up of Greek Cypriot and Turkish Cypriot scientists. In January, following 18 months of training, the Argentine Forensic Anthropology Team handed over full operational responsibility for exhumations to the Cypriot scientists. The remains of over 265 individuals have undergone examination at the Committee's bicommunal anthropological laboratory in the United Nations Protected Area in Nicosia. Following DNA genetic analysis, 91 families received the remains of their identified missing relatives.

37. The Committee on Missing Persons continued to benefit from broad political and public support. However, I urge all parties concerned to take every possible action in order to speed up the exhumation process.

V. Financial and administrative aspects

38. As indicated in my last report, the General Assembly, by its resolution 61/280, appropriated the amount of $46.6 million gross for the maintenance of UNFICYP for the period from 1 July 2007 to 30 June 2008, inclusive of the voluntary contribution of one third of the cost of the Force, equivalent to $15.5 million, from the Government of Cyprus and the voluntary contribution of $6.5 million from the Government of Greece. I invite other countries and organizations to do likewise, with a view to reducing the portion of the cost of UNFICYP covered by assessed contributions.

39. My proposed budget for the maintenance of UNFICYP for the period from 1 July 2008 to 30 June 2009, which amounts to some $54.9 million, is currently under consideration by the General Assembly during the second part of its resumed sixty-second session. Should the Security Council decide to extend the mandate of the Force beyond 15 June 2008, as indicated in paragraph 50 below, the cost of the maintenance of the Force would be limited to the amount approved by the Assembly.

40. As at 31 March 2008, the total outstanding assessed contributions to the special account for UNFICYP for the period from 16 June 1993 to 15 June 2008 amounted to $19.1 million. The total outstanding assessed contributions for all peacekeeping operations as at the same date amounted to $1,625,200.

41. As at 31 March 2008, amounts owed to troop contributors totalled $20.3 million. As a result of the delay in the receipt of assessed contributions, reimbursements for troop- and contingent-owned equipment costs have only been made for the period up to 30 September 2006 and 31 March 2006, respectively.

VI. Observations

42. During the reporting period, the situation in Cyprus remained calm and stable, with no major incidents along the ceasefire lines. Both opposing forces generally cooperated well and maintained good working relations with UNFICYP. Improved

cooperation in certain areas between UNFICYP and authorities on both sides resulted in better control of civilian activities in the buffer zone, although both sides have yet to formally accept the 1989 aide-memoire used by the United Nations to regulate activities in the area. With the political process delicately poised, I appeal to both sides to continue to refrain from acts which could lead to instability in the buffer zone.

43. A window of opportunity for Cypriots to finally resolve the Cyprus problem is clearly open. It is particularly heartening that over the past months, the two leaders have already taken decisive steps towards their shared objective of resuming negotiations aimed at a comprehensive settlement. What is especially encouraging is that the leaders reconfirmed, at their meeting on 23 May, the broad outline of a solution, based on a bizonal, bicommunal federation with political equality, as defined by the Security Council in its relevant resolutions, and a partnership comprising a Federal Government with a single international personality, as well as a Turkish Cypriot Constituent State and a Greek Cypriot Constituent State, with equal status. The agreement of 21 March, the subsequent active engagement in substance, and the joint statement of 23 May are clear indicators of the renewed political will to seek a solution to the Cyprus problem. I am gratified to see both leaders, whose vision and commitment I commend, taking ownership of, and full responsibility for, the process.

44. I wish to strongly encourage the parties to build on the present momentum and continue using the current preparatory period to identify to the greatest extent possible areas of convergence as well as disagreement, while preparing options, where feasible, on the more sensitive elements for the two leaders to consider once formal negotiations begin. In the light of further momentum created by the leaders on 23 May, the working groups and the technical committees may wish to increase the pace of their meetings, not least because their results will be examined by the leaders' representatives in early June. It is my hope that the parties will record substantive results during that phase for the leaders to use to start full-fledged negotiations. In that regard, the planned meeting between the leaders in the second half of June may prove to be pivotal. I am firmly committed to helping them move forward to the formal talks as expeditiously and smoothly as possible, and intend to appoint a Special Adviser at the appropriate time. I will keep the Council informed of further developments and progress in that regard.

45. The establishment of economic, social, cultural, sporting or similar ties and contacts will help ease the sense of isolation felt by the Turkish Cypriot community and benefit all Cypriots by helping to build trust. It will also impact positively on the ongoing efforts. As I stated in my last report, the reunification of the island is more likely to occur, and in as seamless a manner as possible, if greater economic and social parity between the sides is achieved expeditiously.

46. The coming period will not be easy and may require major compromises. It is therefore important for all parties to foster an environment that is conducive to moving the process forward. A flourishing and engaged civil society and an informed citizenry are important elements in that endeavour. Those elements will help Cypriots understand what they will be called to agree upon, so that any future settlement will be sustainable. I encourage the sides to find the best means to facilitate the active involvement of Cypriot civil society in the debate on the future of their country.

47. The establishment of the crossing at Ledra Street is emblematic of what can be achieved with the requisite political will. As per the joint statement of 23 May, the representatives of the leaders will consider other civilian and military confidence-building measures, including the opening of the Limnitis/Yesilirmak and additional crossing points. The implementation of those and other confidence-building measures, aimed at improving the daily lives of Cypriots, would be welcome.

48. I note with satisfaction the resumption of the mine clearance process, which I hope will eventually lead to the complete demining of the buffer zone. At the same time, I regret the accident involving a United Nations deminer from Mozambique — a reminder to the two communities of the dangers in the buffer zone and the need to cooperate with UNFICYP in that important area.

49. I am gratified that the Committee on Missing Persons continues its humanitarian work unhindered and in a depoliticized manner. I am confident that an atmosphere of restraint and respect can allow that important bicommunal activity to contribute to greater understanding and reconciliation between the communities.

50. In the light of the foregoing, in the absence of a comprehensive settlement, notwithstanding improved prospects in recent months owing to the commitment of the parties concerned, I believe that UNFICYP continues to play a vital role on the island. I therefore recommend that the Security Council extend the mandate of UNFICYP by a further period of six months, until 15 December 2008.

51. In conclusion, I would like to express my appreciation to Michael Møller for his dedicated service for over two years as my Special Representative and Chief of Mission, whose efforts to rebuild trust and dialogue between the two sides ensured that it was possible to move forward once the conditions were suitable; and to Major General Rafael Barni for his command of the Force. I also extend my appreciation to Elizabeth Spehar, who acted as my Special Representative in April 2008, to Tayé-Brook Zerihoun, my new Special Representative and Chief of Mission, and Rear Admiral Mario Sanchez Debernardi, my new Force Commander, and to the men and women serving in UNFICYP, for the efficiency and commitment with which they have discharged the responsibilities entrusted to them by the Security Council.

Annex I

Countries providing military and civilian police personnel (as at 16 May 2008)

Country	*Military personnel*
Argentina*	291
Austria	5
Canada	1
Hungary	84
Slovakia**	200
United Kingdom of Great Britain and Northern Ireland	272
Total	**853**

Country	*United Nations police*
Argentina	4
Australia	15
Bosnia and Herzegovina	2
Croatia	4
El Salvador	7
India	7
Ireland	19
Italy	4
Netherlands	7
Total	**69**

* The Argentine contingent includes soldiers from Brazil (1), Chile (14) and Paraguay (14).
** The Slovakian contingent includes soldiers from Croatia (4).

Annex II

Statement of the two leaders read by Michael Møller, Special Representative of the Secretary-General and Chief of Mission of the United Nations Peacekeeping Force in Cyprus following the meeting on 21 March 2008

I am very pleased to announce the following on behalf of the two leaders.

The leaders met today in a very positive and cordial atmosphere and exchanged views on a number of issues, achieving a great degree of convergence. They have decided to ask their respective advisers to meet this coming week in order to set up a number of working groups and technical committees, and establish their agendas, and to do so in the most expeditious way possible.

In taking full responsibility for the conduct of future negotiations, the leaders have also agreed to meet three months from now to review the work of the working groups and technical committees, and using their results, to start full-fledged negotiations under the auspices of the Secretary-General of the United Nations.

The leaders have also agreed to meet as and when needed prior to the commencement of their formal negotiations.

The leaders have also agreed that Ledra Street will, as soon as technically possible, open and function in accordance with the established practices at other crossings.

The issue of the opening of the Limnitis crossing and other crossings is also on the agenda for the coming meetings of their advisers.

Annex III

Joint statement made by Greek Cypriot leader Demetris Christofias and Turkish Cypriot leader Mehmet Ali Talat on 23 May 2008

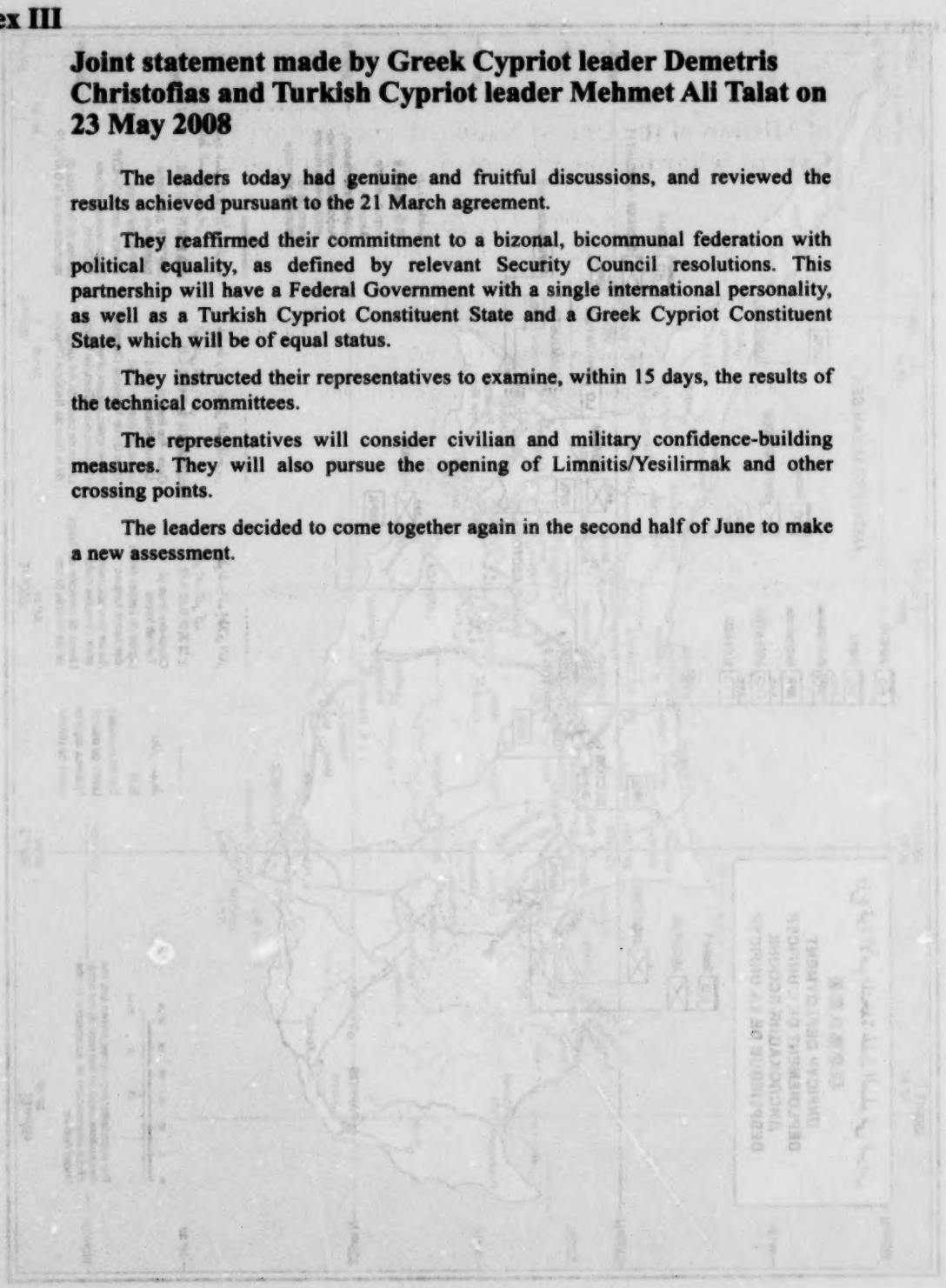
The leaders today had genuine and fruitful discussions, and reviewed the results achieved pursuant to the 21 March agreement.

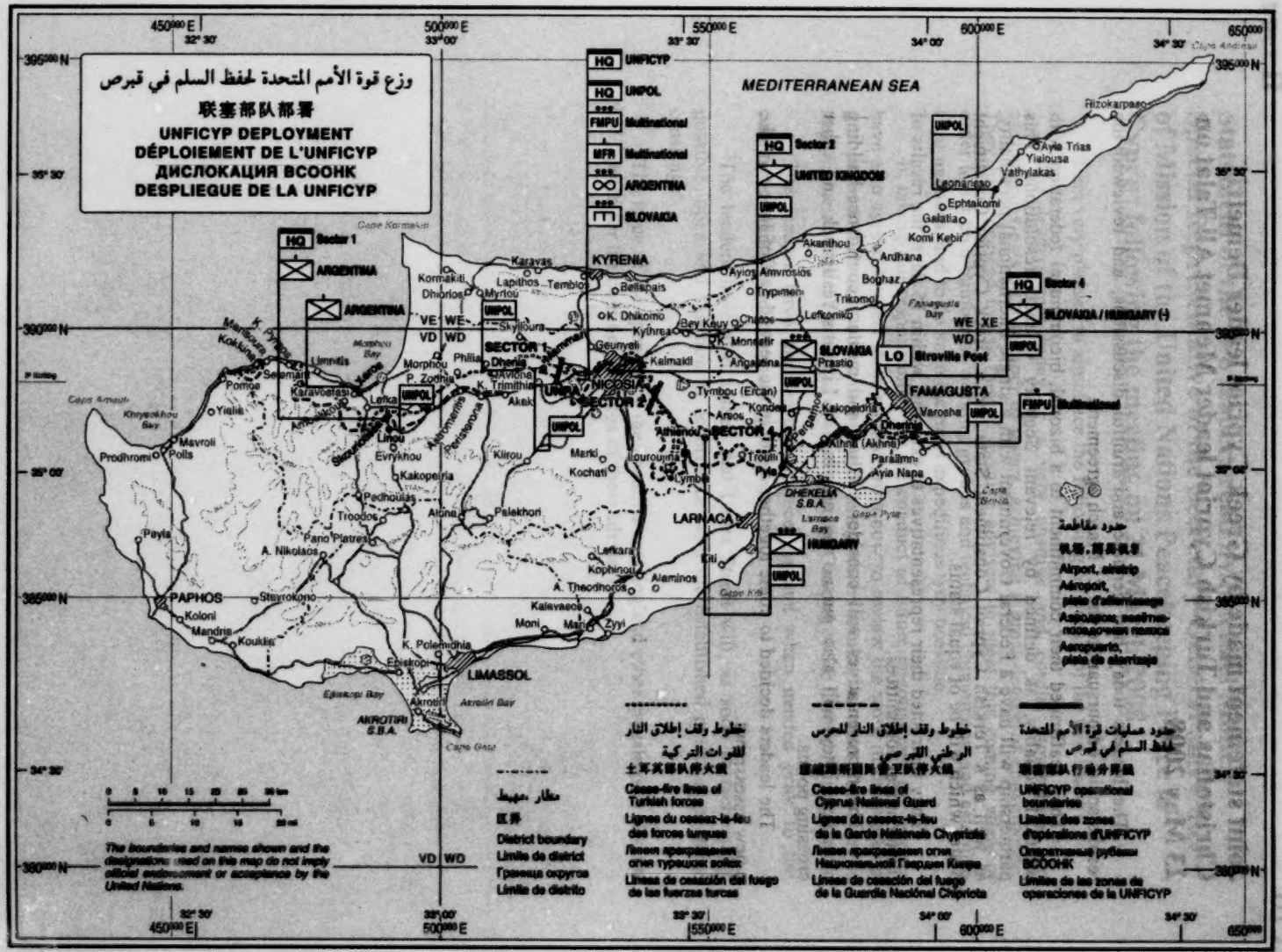
They reaffirmed their commitment to a bizonal, bicommunal federation with political equality, as defined by relevant Security Council resolutions. This partnership will have a Federal Government with a single international personality, as well as a Turkish Cypriot Constituent State and a Greek Cypriot Constituent State, which will be of equal status.

They instructed their representatives to examine, within 15 days, the results of the technical committees.

The representatives will consider civilian and military confidence-building measures. They will also pursue the opening of Limnitis/Yesilirmak and other crossing points.

The leaders decided to come together again in the second half of June to make a new assessment.





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Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction

1. The Security Council, by its resolution 1244 (1999), authorized the Secretary-General, with the assistance of relevant international organizations, to establish an international civil presence in Kosovo in order to provide an interim administration under which the people of Kosovo could enjoy substantial autonomy.

2. The present report is submitted to the Security Council following nine years of interim administration led by the United Nations, with the support of its key operational partners, including the European Union, the Organization for Security and Cooperation in Europe (OSCE) and United Nations agencies, funds and programmes. During those nine years, the international civil presence, known as the United Nations Interim Administration Mission in Kosovo (UNMIK), helped Kosovo make significant strides in establishing and consolidating democratic and accountable Provisional Institutions of Self-Government and in creating the foundations for a functioning economy. While there has been substantial progress in the implementation of standards, there remains scope for further improvement in certain areas, in particular in the field of the return of refugees and internally displaced persons. The full reconciliation and integration of Kosovo communities will be a long-term process and remains an uphill challenge that requires a genuine commitment by members of all of the communities.

3. On 3 April 2007, I submitted to the Security Council the Comprehensive Proposal for the Kosovo Status Settlement (S/2007/168/Add.1), prepared by my Special Envoy for the Future Status Process for Kosovo, Martti Ahtisaari. The Council did not, however, endorse the proposal. Thereafter a "Troika", comprising the European Union, the United States of America and the Russian Federation, facilitated additional intensive negotiations between the parties at the end of 2007. Those talks also ended without a consensual resolution of the status of Kosovo. On 17 February 2008, the Assembly of Kosovo held a session during which it adopted a declaration of independence in which it declared Kosovo an independent and sovereign State. The declaration received the support of 109 of the 120 members of the Assembly; the 10 Kosovo Serb members did not attend.

4. I immediately drew this development to the attention of the Security Council for its consideration. In doing so, I reaffirmed that, pending guidance from the Council, the United Nations would continue to operate on the understanding that

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resolution 1244 (1999) remained in force and that UNMIK would continue to implement its mandate in the light of the evolving circumstances. The Council took no position following the 17 February declaration. To date, 42 States Members of the United Nations have recognized the independence of Kosovo.

II. Developments on the ground

5. Following the declaration of independence, Serbia adopted a decision stating that the declaration represented a forceful and unilateral secession of a part of its territory. In addition, most Kosovo Serbs condemned the declaration of independence and took measures that pose serious challenges to the role of UNMIK in Kosovo. As an expression of their dissatisfaction, Kosovo Serbs expanded their boycott of Kosovo institutions to include the police, judiciary, transportation and municipal administrations. Kosovo Serb police officers in the Kosovo Police Service (KPS) have left their posts in several municipalities in southern Kosovo, while Kosovo Serbs in KPS in northern Kosovo have continued to report to UNMIK international police.

6. Kosovo Serbs have also expressed their dissatisfaction through protests, which have for the most part been held peacefully, although sporadic violence has occurred in northern Kosovo. On 19 February, small groups of Kosovo Serb protesters destroyed two Customs Service points on the Administrative Boundary Line, while on 14 March protesters forcefully seized the courthouse in northern Mitrovica. Subsequently, on 17 March, violent confrontation with UNMIK police and the Kosovo Force occurred during a police operation launched to reassert control over the courthouse. UNMIK is making efforts to restore customs at the Administrative Boundary Line and to enable the court in Mitrovica to operate.

7. A new reality and challenges to UNMIK authority are also emerging on the ground in Kosovo Albanian majority areas. On 9 April, the Assembly of Kosovo passed a constitution for Kosovo that is scheduled to come into force on 15 June. The constitution is designed in such a way that it would effectively remove from UNMIK its current powers as an interim civil administration. In this regard, the government of Kosovo has indicated that it would welcome a continued United Nations presence in Kosovo provided that it carries out only limited residual tasks.

8. In addition to these developments on the ground, on 18 February I received a letter from the High Representative for the Common Foreign and Security Policy of the European Union informing me of the willingness of the European Union to play an enhanced role in the area of the rule of law in Kosovo within the framework provided by resolution 1244 (1999). Since then, the European Union has reiterated its readiness to deploy staff to Kosovo in the functional areas of police, justice and customs.

9. It is also my understanding that the European Commission has informed my Special Representative that it would end funding for operations of the economic reconstruction pillar of UNMIK (pillar IV) as from 30 June 2008. The Secretariat has informed the Commission that that decision did not benefit from consultations with United Nations Headquarters and that it left UNMIK without the technical capability or budgetary allocation to replace Commission-funded experts. In the meantime, the Kosovo government has passed legislation that comes into force on 15 June that effectively seeks to assume tasks and competencies currently carried

out by pillar IV with regard to administrative authority over socially owned and publicly owned enterprises. This legislation, combined with the announced closure of pillar IV, effectively removes UNMIK authority and capacity to control those areas.

III. Efforts to reach a compromise

10. The declaration of independence of Kosovo and the entry into force of its new constitution on 15 June pose significant challenges to the Mission's ability to exercise its administrative authority. Moreover, the events in northern Kosovo indicate the resolve of many Kosovo Serbs to reject participation in Kosovo institutions. In this context, I believe that the United Nations is confronting a new reality in Kosovo, with operational implications for UNMIK that it must take into account. It is my assessment that not doing so could lead to increased tension in Kosovo, including among Kosovo communities, and would contribute to an unwelcoming environment for the international civil presence. In the light of these considerations, there is a pressing need for a solution that preserves international peace and security and stability in Kosovo.

11. To this end, I employed my good offices with the parties and key stakeholders to ascertain whether there was a basis for a status-neutral solution that would address the challenges outlined above in a realistic and practical manner within the framework of resolution 1244 (1999), as well as serve to manage effectively the situation on the ground, reduce tension and safeguard stability in Kosovo and in the wider region. My discussions with members of the Security Council indicate that there is an interest in adjusting the operational role of the United Nations in Kosovo in the light of the evolving circumstances.

12. I also engaged in direct consultations with Pristina and Belgrade on possible future arrangements for the international civil presence in Kosovo. To that end, the Under-Secretary-General for Peacekeeping Operations travelled to the region to explore a compromise that would create the conditions for a general acceptance of a restructured international civil presence in Kosovo. Serbia and the Kosovo Serbs have indicated that they would find an enhanced operational role for the European Union in the area of the rule of law acceptable, provided that such activities would be undertaken under the overall status-neutral authority of the United Nations. Following those discussions, it is my assessment that both Pristina and Belgrade recognize the need to devise a solution that allows for the continuation of the international civil presence in Kosovo. In that regard, Serbia has expressed particular concerns with respect to police, customs, justice, transportation and infrastructure, management of the Administrative Boundary Line and cultural heritage. On the basis of those consultations, I have written to His Excellency, Mr. Boris Tadić and His Excellency, Mr. Fatmir Sejdiu, describing practical arrangements that I will instruct my Special Representative to develop with them in each of these areas (see annexes I and II).

13. The offer of the European Union to play a greater operational role is, likewise, a key development. Such an enhanced role would allow the United Nations to share responsibilities by drawing upon the expertise and resources of this regional organization and partner. Mindful of the fact that there is a need to devise an operational solution for UNMIK that preserves the positive legacy of the United

Nations in Kosovo and the Balkans and is within the framework of resolution 1244 (1999), and noting the willingness of the European Union to play an enhanced role in Kosovo, it is my assessment that the objectives of the United Nations would be best obtained through an enhanced operational role for the European Union in the area of the rule of law under the umbrella of the United Nations, headed by my Special Representative. I expect the OSCE mission in Kosovo to continue its work as part of the reconfigured UNMIK. The presence of the OSCE mission throughout Kosovo will be crucial for the promotion of democratic values at the grass-roots level and the protection of the legitimate interests of all communities in Kosovo.

IV. Structure of the Mission

14. The recent and upcoming events in Kosovo will have significant operational implications for UNMIK. In the light of the evolving situation in Kosovo, on the basis of extensive consultations with Belgrade, Pristina and key stakeholders and pending guidance from the Security Council, it is my intention to adjust operational aspects of the international civil presence in Kosovo. I have decided, upon careful consideration and analysis, that the conditions on the ground require a practical adjustment to the structure and profile of UNMIK. Unless the Security Council decides otherwise, resolution 1244 (1999) will remain the legal framework for the United Nations mandate, whose practical implementation will depend on evolving circumstances.

15. I have taken note of the readiness of the European Union to play an enhanced role in Kosovo as reflected in the conclusions of the European Council of 14 December 2007. It is my assessment that the capacity of the European Union to deploy a rule-of-law mission to Kosovo could, as foreseen in Security Council resolution 1631 (2005), usefully complement the work of the United Nations and have a positive impact on the optimal use of limited resources. I have also taken into consideration the general interest of the United Nations and the recognition of the potentially valuable contribution that regional organizations can bring in support of the efforts of the United Nations in the maintenance of international peace and security.

16. The European Union will perform an enhanced operational role in the area of the rule of law under the framework of resolution 1244 (1999) and the overall authority of the United Nations. The European Union will, over a period of time, gradually assume increasing operational responsibilities in the areas of international policing, justice and customs throughout Kosovo. It is understood that the international responsibility of the United Nations will be limited to the extent of its effective operational control. The United Nations presence will carry out the following functions, among others to be defined: (a) monitoring and reporting; (b) facilitating, where necessary and possible, arrangements for Kosovo's engagement in international agreements; (c) facilitating dialogue between Pristina and Belgrade on issues of practical concern; and (d) functions related to the dialogue concerning the implementation of the provisions specified in my letter to Mr. Tadić and referenced in my letter to Mr. Sejdiu.

V. Observations

17. It is my assessment that events in Kosovo have had and will continue to have a significant operational impact on the functioning of UNMIK. While UNMIK has made progress in fulfilling and completing tasks set forth in paragraph 11 of resolution 1244 (1999), since the inception of the Mission in 1999, the scope of activities that it has performed has been reduced significantly. Following the entry into force of the Kosovo constitution, it is my assessment that UNMIK will no longer be able to perform effectively the vast majority of its tasks as an interim administration.

18. Without careful management, recent developments and future emerging realities on the ground could lead to increasing tension between the Kosovo communities and contribute to friction between UNMIK and other actors, local and international, in Kosovo. There is an overriding need to ensure international peace and security and safeguard the legacy of the United Nations and the international community in Kosovo and the wider region. I am particularly mindful of the need to ensure that the rights of all communities in Kosovo are fully protected and preserved.

19. It is for these reasons that I intend, pending guidance from the Security Council, to reconfigure the international civil presence in Kosovo. There is a practical need for a recalibrated international presence that is better suited to address current and emerging operational requirements in Kosovo. In consideration of the European perspective of Kosovo and Serbia and in keeping with the expressed willingness of the European Union to play an enhanced operational role in Kosovo in the area of the rule of law, I intend to move forward with practical arrangements to enable the European Union to enhance its operational role in that sector.

20. It is my intention to consult further with relevant partners, including the European Union and OSCE, with a view to determining the functional provisions for the continued international civil presence and moving forward with the implementation of those provisions as soon as feasible. In that connection, I am grateful for the continuing commitment of the North Atlantic Treaty Organization to support the international civil presence in accordance with resolution 1244 (1999). I am confident that the authorities in Pristina and Belgrade, as well as the people of Kosovo, will continue to work with the United Nations in safeguarding and consolidating peace and stability in order to move Kosovo and the rest of the Balkans region forward towards a more stable and prosperous future in Europe.

Annex I

Letter dated 12 June 2008 from the Secretary-General to His Excellency Mr. Boris Tadić

The position of the United Nations on the question of the status of Kosovo has been one of strict status neutrality. Following Kosovo's unilateral declaration of independence on 17 February 2008, some Member States have recognized Kosovo as a sovereign state, while others have not. Security Council resolution 1244 (1999) continues to be in force until the Security Council decides otherwise.

In the absence of other guidance from the Security Council and following consultations with your Government and other relevant stakeholders, I intend to exercise the authority vested in me by resolution 1244 (1999) to reconfigure the international civil presence as set out in my report to the Security Council (S/2008/354). Furthermore, the following provisions would be temporary arrangements that would apply for a limited duration and without prejudice to the status of Kosovo.

1. **Police**

Kosovo Police Service personnel operating in relevant Serb-majority areas should report to international police under the overall authority of my Special Representative.

2. **Courts**

Additional local and district courts serving relevant Serb-majority areas may be created. They will operate within a Kosovo court system under the applicable law within the framework of resolution 1244 (1999).

3. **Customs**

My Special Representative will determine, in consultation with relevant stakeholders, an organizational structure allowing Kosovo to continue to function as a single customs area, which will include guarantees for the continued presence of international customs officers at relevant customs points.

4. **Transportation and infrastructure**

A technical coordination committee, including Serbia and other relevant stakeholders, will be established by my Special Representative to address all relevant technical and cross-boundary issues, taking into account the work of the Pristina-Belgrade technical dialogue working group.

5. **Boundaries**

In accordance with resolution 1244 (1999), the North Atlantic Treaty Organization, as the international military presence, will continue to fulfil its existing security mandate throughout Kosovo, including with respect to the boundaries, in conjunction with other international organizations.

6. Serbian patrimony

The Serbian Orthodox Church in Kosovo shall be afforded international protection. The Serbian Orthodox Church in Kosovo will remain under the direct authority of its religious seat in Belgrade. The Church will retain the sole right to preserve and reconstruct its religious, historical and cultural sites in Kosovo. Serbia will continue close cooperation with the United Nations and all relevant bodies in the provision of support to such preservation and reconstruction activities.

Concerning the implementation of the above provisions, my Special Representative will pursue a dialogue with your Government. In this context, my Special Representative will consult with other relevant stakeholders, including the authorities in Pristina. In accordance with paragraph 6 of resolution 1244 (1999), I intend to appoint a new Special Representative in conjunction with the envisaged reconfiguration.

Mindful of the commitment of the European Union to the region, I intend to consult with the European Union High Representative for the Common Foreign and Security Policy to determine an operational role for the European Union in the implementation of the above provisions within the United Nations status-neutral framework.

(*Signed*) **Ban** Ki-moon

Annex II

Letter dated 12 June 2008 from the Secretary-General to His Excellency Mr. Fatmir Sejdiu

The United Nations Interim Administration Mission in Kosovo (UNMIK) continues to operate within the framework of Security Council resolution 1244 (1999) and to implement its mandate in the light of the evolving circumstances. The position of the United Nations is one of strict neutrality with respect to the status of Kosovo.

It is my view that recent events in Kosovo have significant operational implications for UNMIK, which require it to adjust to developments and to changes on the ground. You will recall that I signalled this possibility in my most recent report to the Security Council (S/2008/211). The efforts of the United Nations are directed at ensuring that the political and security situation in Kosovo and in the wider region remains stable and that the population of Kosovo, and in particular the minority communities, are adequately protected.

Following the adoption of a declaration of independence by the Assembly of Kosovo on 17 February 2008, a number of Member States have recognized Kosovo as a sovereign state, while others have not. I also note that a new constitution for Kosovo is expected to come into effect on 15 June. These developments, taken together, are contributing to a substantially changed situation in Kosovo.

In the absence of other guidance from the Security Council, and following extensive consultations, it is my intention to reconfigure the structure and profile of the international civil presence to one that corresponds to the evolving situation in Kosovo and that enables the European Union to assume an enhanced operational role in Kosovo, in accordance with resolution 1244 (1999).

In conjunction with the reconfiguration of UNMIK and in order to address operational concerns that have arisen since 17 February, certain practical arrangements would be implemented, as set out in annex I. These arrangements would apply for a limited duration and without prejudice to the status of Kosovo. In this context, and concerning the implementation of these provisions, my Special Representative will consult with you and other relevant stakeholders.

I am confident that the authorities and people of Kosovo will continue to cooperate with the United Nations in safeguarding and consolidating the significant results we have achieved together and the legacy of the United Nations in Kosovo.

(*Signed*) **Ban** Ki-moon

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Letter dated 28 May 2008 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith a report on the work of the Security Council during the presidency of the Russian Federation in March 2008 (see annex). The document was prepared under my responsibility, after consultation with the other members of the Security Council.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Vitaly **Churkin**

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Annex to the letter dated 28 May 2008 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council

Assessment of the work of the Security Council during the presidency of the Russian Federation (March 2008)

Introduction

Under the presidency of the Russian Federation, the Security Council engaged in an extensive programme of work during the month of March. The Council held 16 meetings and consultations of the whole on 13 occasions. The Council adopted five resolutions and agreed on four statements to the press.

Africa

Peace and security in Africa

On 5 March, in consultations of the whole, the Council heard a briefing by the Assistant Secretary-General for Political Affairs, Haile Menkerious, on Kenya. He described the development of the process of the political settlement by the parties in Kenya under the mediation of the Panel of Eminent African Personalities led by the former Secretary-General, Kofi Annan. The Assistant Secretary-General emphasized that the Agreement on the Principles of Partnership of the Coalition Government signed by the President, Mwai Kibaki, and the ODM leader, Raila Odinga, was the first step on the long way to lasting political settlement, including forming a new government and implementing constitutional reform. He reported that the ethnically motivated attacks in various regions of Kenya were continuing, emphasizing the need to address the problem of armed gangs. The Assistant Secretary-General described the humanitarian situation in Kenya as very volatile and stressed that the political process in Kenya needed to be further supported by the international community, including the United Nations and its Security Council.

The members of the Council welcomed the political accord signed by the parties in Kenya and commended the efforts of the Panel of Eminent African Personalities. The members of the Council called for the Agreement to be implemented by the parties in full and without delay. They expressed concern about the persisting violence in Kenya and the serious humanitarian situation in the country. The members of the Council reiterated the readiness of the Council to support the settlement of the crisis in Kenya and to closely monitor the development of the situation.

Democratic Republic of the Congo

On 31 March, the Council unanimously adopted resolution 1807 (2008), by which it extended for a period ending on 31 December 2008 the arms embargo on all non-governmental entities and individuals operating in the territory of the Democratic Republic of the Congo and lifted the embargo previously imposed on the Government of the Democratic Republic of the Congo.

Guinea-Bissau

On 14 March, the President of the Security Council addressed a letter to the Chairman of the Peacebuilding Commission, inviting the Chairperson of the country-specific configuration on Guinea-Bissau to brief the Council on 26 March.

On 25 March, the President of the Council received a letter from the Chairman of the Peacebuilding Commission, informing him about the Commission's engagement with the country after its inclusion in the agenda of the Peacebuilding Commission.

On 26 March, the Council heard briefings by the Representative of the Secretary-General for Guinea-Bissau, Shola Omoregie, and the Chairperson of the country-specific configuration of the Peacebuilding Commission on Guinea-Bissau, the Permanent Representative of Brazil to the United Nations, Ambassador Maria Luiza Ribeiro Viotti. Introducing the Secretary-General's report (S/2008/181), the representative of the Secretary-General informed the Council that the legislative elections were scheduled by the President of Guinea-Bissau for 16 November 2008 and underlined the importance of international assistance in the preparations for the elections. He welcomed the inclusion of Guinea-Bissau in the agenda of the Peacebuilding Commission. He also stressed the importance of continuing collaboration between the Government of Guinea-Bissau and its regional and international partners in security sector reform, and the fight against drug-trafficking and terrorism. Ambassador Viotti informed the Council about the progress made by the Peacebuilding Commission in support for peacebuilding efforts in Guinea-Bissau, including advice on peacebuilding priorities in the country and work on the strategic framework for peacebuilding.

In consultations of the whole, the Council members underlined the progress made by the Government in cooperation with its partners to consolidate peace in the country, reform the security sector and fight against drug-trafficking and organized crime. They welcomed the engagement of the Peacebuilding Commission with Guinea-Bissau and noted the need for sustained international assistance to achieve durable peace and stability.

Following consultations, the President of the Security Council issued a statement to the press.

Great Lakes region

On 13 March, the Council unanimously adopted resolution 1804 (2008), by which it demanded that all members of FDLR, ex-FAR/Interahamwe and other Rwandan groups operating in the eastern Democratic Republic of the Congo immediately lay down their arms, and called upon the Governments of the Democratic Republic of the Congo and the Republic of Rwanda to intensify their cooperation to implement their commitments under the Nairobi communiqué.

On 26 March, in consultations of the whole, the Council heard a briefing by the Director of the Africa Division of the Department of Political Affairs, Joao Honwana, on the talks taking place in Juba, Southern Sudan, between the Government of Uganda and the Lord's Resistance Army. He highlighted the progress made by the parties of the Juba peace process to date and stressed that a unique opportunity had been created for the parties to sign the final peace agreement.

Somalia

On 5 March, in consultations of the whole, the Assistant Secretary-General for Political Affairs briefed the Council on the situation in Somalia.

During the discussion the members of the Council expressed their support for the activity of the Special Representative of the Secretary-General for Somalia, Ahmedou Ould Abdallah, directed towards establishment of an inclusive political dialogue between the Transitional Federal Government and the leaders of the Somali opposition, with a view to stabilization of the situation in the country and consolidation of the national reconciliation process.

The Council expressed its intention to promptly consider the forthcoming report of the Secretary-General, including recommendations and options for the possible deployment of a United Nations peacekeeping operation in Somalia.

On 20 March, at a debate followed by consultations of the whole, the Special Representative of the Secretary-General and the Assistant Secretary-General for Peacekeeping Operations, Edmond Mulet, introduced the report of the Secretary-General (S/2008/178) and briefed the Council members on the situation in Somalia and the contingency plans drawn up by the Secretariat for a possible deployment of a United Nations peacekeeping operation in Somalia under four scenarios. The Permanent Representatives of Somalia and Uganda to the United Nations, Ambassadors Elmi Ahmed Duale and Francis K. Butagira, made statements.

On 31 March, the delegation of the United Kingdom organized an Arria formula meeting of the Council members with representatives of various non-governmental organizations to discuss the humanitarian and human rights situation in Somalia.

The situation between Eritrea and Ethiopia

On 13 March, in consultations of the whole, the Under-Secretary-General for Peacekeeping Operations, Jean-Marie Guéhenno, introduced the report of the Secretary-General on the United Nations Mission in Ethiopia and Eritrea (UNMEE) (S/2008/145) and informed the Council of the process of temporary relocation of the personnel and equipment of UNMEE from Eritrea.

The members of the Council recognized the difficult burden that had been carried by the United Nations troops being relocated, and expressed their appreciation to the troop-contributing countries. They emphasized that the process was without prejudice to the Algiers Agreements and the decisions of the Council on the United Nations presence in the region.

The members of the Council insisted on the full cooperation of Eritrea in the context of the temporary relocation of personnel and equipment. The members of the Council looked forward to the upcoming report of the Secretary-General providing options and recommendations for a future United Nations presence in the area.

Sudan

On 11 March, the Council held a meeting to consider the reports of the Secretary-General on the Sudan. The Assistant Secretary-General for Peacekeeping Operations presented the report of the Secretary-General on the deployment of the

African Union — United Nations Hybrid Operation in Darfur (UNAMID) (S/2008/98). In a detailed briefing, the Assistant Secretary-General reported the serious deterioration of the security situation in Western Darfur, following the offensive carried out by the Justice and Equality Movement (JEM) against the Sudanese Armed Forces and a large-scale responsive ground and air military campaign of the Sudanese Armed Forces aimed at reasserting control over the JEM and Sudan Liberation Army stronghold area in Western Darfur. He also reported that those hostilities had caused numerous deaths and tens of thousands of new displacements of civilians. He also emphasized that the tensions between Chad and the Sudan and fighting carried out by proxy rebel forces had the potential to regionalize the crisis and derail international peace efforts on both sides of the Chad-Sudan border.

The Assistant Secretary-General stressed that UNAMID continues to face difficulties in its efforts to reinforce the Mission, in security, in consistent level of cooperation with the Government, logistical constraints and force shortfalls.

On the same day the Council held consultations of the whole to discuss the item. Council members agreed on a statement to the press by the President reflecting the positions expressed in consultations. They expressed profound concern at the continuing complex security and humanitarian situation in Darfur and urged all Sudanese parties to observe the ceasefire, refrain from any hostilities and respect the norms of international humanitarian law. The members of the Council reiterated the need for the speediest possible deployment of UNAMID and urged all parties concerned to cooperate with the United Nations and the African Union to that end. The members of the Council looked forward to the success of the meeting between the Presidents of the Sudan and Chad in Dakar. The members once again underlined the vital importance of promoting the peace process in Darfur and supported efforts of the Special Envoys of the United Nations and the African Union aimed at ensuring the inclusive nature of this process. They recalled the respective obligations of the parties in Darfur in the context of negotiations.

Sudan: Committee established pursuant to resolution 1591 (2005)

On 13 March, in consultations of the whole, the Chairman of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan, the Permanent Representative of Italy to the United Nations, Ambassador Marcello Spatafora, made the periodic 90-day briefing on the activities of the Committee.

Asia and the Middle East

Afghanistan

On 12 March, the Council held an open debate on the situation in Afghanistan. The Under-Secretary-General for Peacekeeping Operations introduced the latest report of the Secretary-General on that issue (S/2008/159) and provided an assessment of the situation in the country.

The Under-Secretary-General stressed that the robust insurgency, still fragile Afghan governmental institutions and illegal drug economy posed the key challenges to the democratic development of Afghanistan. In this context he

outlined six areas of focus for the United Nations Assistance Mission in Afghanistan (UNAMA), emphasizing that, as indicated in the Secretary-General's report of 6 March, the current mandate of the mission was still appropriate to sufficiently fulfil its objectives.

Subsequently, the members of the Council negotiated a draft resolution on the basis of the recommendations of the Secretary-General, which was unanimously adopted on 20 March as resolution 1806 (2008).

In its resolution the Council recognized the continuing importance of fighting terrorist and narcotic threats, in particular posed by the Taliban, Al-Qaida and other extremist groups, stressed the need for the continued engagement of the international community in Afghanistan, and extended the mandate of UNAMA, as defined in resolutions 1662 (2006) and 1746 (2007), for an additional period, terminating on 23 March 2009.

Iraq/Kuwait

On 26 March, the President of the Security Council sent the Council's reply to the Secretary-General concerning the financing of the activities of the High-level Coordinator for missing Kuwaitis and third-country citizens and missing Kuwaiti property.

It was agreed that the Council would earmark US$ 225,000 to finance the continuation of the activities of the new High-level Coordinator for a period of 12 months.

The Council also requested a comprehensive report in 12 months with an update on progress during that period, as well as an assessment of the progress that might be achieved, including the conditions that would be necessary and a timescale for completion of the mandate.

Lebanon

On 10 March, the Council held consultations on the implementation of resolution 1701 (2006), concerning Lebanon. The Council heard a briefing on the Secretary-General's last report on that issue from the Under-Secretary-General for Political Affairs, Lynn Pascoe. The Assistant Secretary-General for Peacekeeping Operations briefed the Council on the work being done by the United Nations Interim Force in Lebanon.

Myanmar

On 18 March, the Council held a meeting on Myanmar to hear a briefing from the Secretary-General's Special Adviser, Ibrahim Gambari, on his visit to the country. He said that despite the lack of immediate tangible results his visit should be assessed within the broader context of "good offices" efforts over the past two years. The delegation of Myanmar participated in the debate. Following the meeting, the Council held consultations of the whole.

Nepal

On 27 March, in consultations of the whole, the Assistant Secretary-General for Political Affairs, Angela Kane, briefed the Council on the developments in Nepal

in the context of its preparations for the election of a Constituent Assembly on 10 April. She stated that there had been significant changes in Nepal to improve the prospect of a successful election. Nevertheless she highlighted some new challenges and difficulties in the context of the election campaign, including those related to violence by groups opposed to the election and violation of the electoral code of conduct.

At the end of the consultations, upon the agreement of the Council members, the President of the Security Council read a statement to the press, in which Council members welcomed the progress towards the Constituent Assembly election. They urged all Nepalese parties to create an atmosphere conducive to a successful election to be held in a free and fair manner and reiterated their full support for the United Nations Mission in Nepal.

The situation in the Middle East, including the Palestinian question

On 1 March, the Council members held on emergency meeting to discuss the situation in the Middle East, where the Israel Defense Forces had launched air and land attacks on targets in Gaza and Palestinian militants had fired dozens of rockets at targets in southern Israel, including the city of Ashkelon.

When speaking at the meeting the Secretary-General condemned the escalating violence in the Gaza Strip and southern Israel, which had claimed dozens of civilian lives.

Following the meeting, Ambassador Churkin, in his capacity as the Council's President, read out a summary of the discussion that had been agreed upon by all 15 members.

Voicing deep concern about the loss of civilian life and the escalation of violence in the region, the Council members called on all sides to respect their obligations under international law and to immediately cease all acts of violence. Those acts must not be allowed to deter the political process between Israel and the Palestinian Authority aimed at establishing two States — Israel and Palestine — living side by side in peace and security.

On 6 March, the Council held urgent consultations to discuss the terrorist attack in Jerusalem. Members of the Council condemned the shooting in the religious seminary, but failed to reach a consensus on a reaction concerning that terrible incident.

On 25 March, the Council held an open debate on the Middle East. When briefing the Council on that occasion, the Secretary-General said he was deeply concerned about the prospect of renewed violence in Gaza and southern Israel, and what that would mean both for the civilian population in the conflict zone and for the peace process.

He added that the peace process was too important to be allowed to lose momentum through inaction or indifference, or to be overwhelmed by violence.

The Council heard also a briefing by the Under-Secretary-General for Political Affairs. He regretted that, over the past month, continuing efforts to advance the political process were once again overshadowed by violence, high numbers of civilian casualties and the lack of concrete improvements on the ground. But he

added that the very fact that the political process between Israelis and Palestinians continued was extremely important.

The Under-Assistant Secretary-General also said that the international community and all regional parties should give strong support to efforts to bring about a cessation of violence in and around Gaza and a reopening of crossings, in an atmosphere where the security concerns of the Palestinians, Israel and Egypt were addressed.

On Lebanon, he said that the country continued to be in the grip of a deep political crisis. He stressed that the longer the stalemate continued, the greater the chance for the situation to deteriorate further, both politically and in terms of the security situation.

The members of the Council and representatives of the several countries that participated in the debate also presented their opinions on the current status of the Middle East peace process.

On 27 March, the Under-Secretary-General for Legal Affairs, Nicolas Michel, briefed the Security Council on the Secretary-General's report on the implementation of resolution 1757 (2007) regarding the establishment of the Special Tribunal for Lebanon.

The members of the Council noted the substantial progress that had been achieved in that regard.

Following consultations, the President of the Security Council read out a statement to the press, encouraging the Secretary-General to continue taking steps and measures necessary to establish the Tribunal in a timely manner.

Non-proliferation (Iran)

On 3 March, during consultations, members of the Council discussed the issue of the format of the following formal meeting and agreed that the representative of the Islamic Republic of Iran could make a statement before the Council vote on the draft resolution regarding non-proliferation contained in document S/2008/141, sponsored by France, Germany and the United Kingdom.

At the formal meeting representatives of the Islamic Republic of Iran, South Africa, the Libyan Arab Jamahiriya, Viet Nam and Indonesia spoke before the vote.

The Council then, acting under Article 41 of Chapter VII of the Charter of the United Nations, voted on the draft resolution, which was adopted by 14 votes, with 1 abstention, as resolution 1803 (2008).

Following the vote, the representative of the United Kingdom read out a statement agreed by the Foreign Ministers of China, France, Germany, the Russian Federation, the United Kingdom and the United States as well as by the European Union High Representative for the Common Foreign and Security Policy, aimed at resolving the Iranian nuclear problem solely by political and diplomatic means, on the basis of Article 41 of the Charter, and on bolstering IAEA activities in the Islamic Republic of Iran.

The representatives of France, the United States, China, Costa Rica, Burkina Faso, Belgium, Panama, Croatia and the Russian Federation also made statements.

Europe

Resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999), 1244 (1999)

On 11 March, the Council held a meeting in response to the request contained in a letter dated 6 March 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Serbia to the United Nations (S/2008/162) to hear from the Minister of Foreign Affairs of Serbia, Vuk Jeremić. He stated that his Government would not use force or economic embargo, but would use all legal, diplomatic and political means to assert the core sovereign rights of the Republic of Serbia over the breakaway province of Kosovo and Metohija, and vowed that Belgrade would not accept the imposition of an outcome that fundamentally violated legitimate national interests. The Foreign Minister, calling for observance of resolution 1244 (1999) in full, assured the Council that Serbia would continue to comply with that resolution. He stressed that that was the only way to prevent a further deterioration of the situation on the ground and there must be no erosion of the mandate, clearly defined by the Security Council, of the United Nations Interim Administration Mission in Kosovo (UNMIK).

Following the adjournment of that meeting, the Council continued its deliberations on this agenda item in consultations of the whole.

On 18 March, the Permanent Representative of Serbia transmitted a letter from the Foreign Minister of Serbia, Vuk Jeremić, to the President of the Security Council, informing him about the request of Serbia to the Secretary-General to order promptly an investigation into the events that had taken place in Kosovska Mitrovica on 17 March 2008, asking the Council to consider the situation as urgently as possible and assuring the Council that the Government of Serbia would take whatever action was necessary to restore a momentum for compromise in line with resolution 1244 (1999) and, being committed to good-faith negotiation, stood ready to be a constructive partner in the determination of Kosovo's future status.

Thematic issues

Non-proliferation

On 17 March, the Council heard a briefing by the Permanent Representative of Belgium to the United Nations, Ambassador Johan C. Verbeke, on the activities of the Security Council Committee established pursuant to resolution 1737 (2006). After the briefing, the representatives of the United States of America and Burkina Faso made statements.

Threats to international peace and security caused by the terrorist acts

On 19 March, the Council held an open debate on threats to international peace and security caused by terrorist acts. The Council was briefed by the Executive Director of the Counter-Terrorism Committee Executive Directorate, Mike Smith. The Executive Director summarized proposals with regard to the Directorate's organization and methods of work that were set out in the revised organizational plan and assessed progress made in the fulfilment of the Directorate's mandate. The Council afterwards heard statements by the representatives of all 15 of its members, followed by the representatives of Argentina, Australia, Cuba, India,

the Islamic Republic of Iran, Israel, Japan, Mexico on behalf of the Rio Group, Slovenia on behalf of the European Union, Spain, Turkey and the Bolivarian Republic of Venezuela.

On 20 March, the Council unanimously adopted resolution 1805 (2008), by which it renewed the mandate of the Counter-Terrorism Committee Executive Directorate until 31 December 2010. The Council emphasized the importance of further efforts of the Directorate to support the Counter-Terrorism Committee in the fulfilment of its mandate, in particular by strengthening the role of the Directorate in facilitating technical assistance aimed at enhancing Member States' capacity to fully implement resolution 1373 (2001).

United Nations S/2008/356

Security Council

Distr.: General
3 June 2008
Original: English

Letter dated 3 June 2008 from the Secretary-General to the President of the Security Council

I attach for your attention a letter dated 30 May 2008 from Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda, including an enclosure dated 22 May 2008 from Mr. Hassan Jallow, Prosecutor of the Tribunal, regarding the matter of outstanding fugitives in both the Republic of Kenya and the Democratic Republic of the Congo (see annex).

I should be grateful if you could bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

08-36459 (E) 090608

Annex

Letter dated 30 May 2008 from the President of the International Criminal Tribunal for Rwanda to the Secretary-General

I have the honour to convey the attached communication from Mr. Hassan B. Jallow, Prosecutor of the International Criminal Tribunal for Rwanda dated 22 May 2008 regarding the matter of outstanding fugitives in Kenya and the Democratic Republic of the Congo.

I should be grateful if you could bring the present letter and its annexes to the attention of the President of the Security Council.

(*Signed*) Dennis **Byron**
President

Enclosure

Letter dated 22 May 2008 from the Prosecutor of the International Criminal Tribunal for Rwanda to the Secretary-General

RE: COOPERATION OF THE REPUBLIC OF KENYA AND THE DEMOCRATIC REPUBLIC OF CONGO IN ARREST OF ICTR FUGITIVES

As of now, there are 13 persons indicted by the ICTR for serious violations of international humanitarian law in Rwanda in 1994 who remain at large as fugitives from justice. Some of these fugitives may well be dead but several others are known to be alive and the OTP-ICTR is in possession of information about their possible whereabouts. Kenya and the DRC are countries which according to our information, continue to harbour some of these fugitives.

As the ICTR approaches the end of its mandate pursuant to Security Council Resolution 1503 (2003), it becomes all the more urgent for member states to cooperate fully in the arrest of fugitives so that those of them earmarked for trial at the ICTR can be prosecuted in time and the rest referred to competent national jurisdictions for trial.

As Your Excellency is aware, all states have a legal duty to cooperate with the ICTR. This duty arises from amongst others Article 25 of the Charter of the United Nations, Security Council Resolution 955 establishing the ICTR, and Article 28 of the Statute of the ICTR. All member states are also under a duty to comply promptly with the orders and decisions of the ICTR Trial Chambers.

From the information available to the tribunal, some high level ICTR indictees are present in Kenya and the DRC. The level of cooperation with the ICTR from these two countries, we believe, is not commensurate with their legal responsibilities. I request accordingly that, Your Excellency consider bringing this matter to the attention of the President of the Security Council with the request that the Council take appropriate action to call on the governments of Kenya and the DRC to act in a timely manner to ensure the arrest and transfer to Arusha of all such fugitives and to cooperate with the ICTR in all other respects in relation to the fugitives.

As Your Excellency is aware, the Security Council by its Resolution 1503 (2003) acting under Chapter VII of the United Nations Charter called *inter alia* on Kenya and the DRC "to intensify cooperation with and render all necessary assistance to the ICTR including ... efforts to bring Felicien Kabuga and all other such indictees to the ICTR..." (Operative paragraph 3 of U.N. Security Council Resolution 1503). This call has been reiterated by the Council in its Resolution 1534 (2004).

In the case of Kenya, the reports of the Joint Task Force (ICTR-Kenya) and other reliable independent sources have confirmed that:-

(a) Felicien Kabuga entered Kenya in 1994, was granted a residence and business permit in 1995, has been spotted there several times between 1997 and 2007 and there is no indication he has left the country;

(b) Kabuga has several business interests and property in Kenya; and

(c) Kabuga has operated a number of bank accounts in Kenya in his name and jointly with others.

The actions required of Kenya are as follows:-

(i) investigation by the Kenya Police of the presence of Kabuga in Kenya and his arrest and transfer to the ICTR or provision of credible indications of his departure from the country;

(ii) investigation of the interests of Kabuga in the businesses mentioned and his properties and upon confirmation, the taking of appropriate steps for their seizure as requested by the ICTR; and

(iii) the taking of the necessary steps to freeze the bank accounts held in Kabuga's name either singly or jointly with others.

I attach further particulars regarding the issue of Kenya's level of cooperation in the Felicien Kabuga case for Your Excellency's attention.

In the case of the DRC, the ICTR Tracking Team has located 8 of the 13 fugitives in well-defined areas in Eastern DRC. Two of these fugitives are high level indictees who have been earmarked for trial in Arusha and the rest for transfer to a competent national jurisdiction for prosecution. In October 2003, the ICTR served the DRC with the arrest warrants and indictments in respect of these fugitives.

Whilst there may be challenges of effective access to some of the areas within the DRC where some of the fugitives are located, it is possible for the challenges to be overcome in my view, if the DRC were to collaborate closely with the ICTR, MONUC and other parties.

I was able to undertake one mission to Kinshasa in 2005 when following consultations, I was assured of full cooperation by the government in the arrest of these fugitives. Since then, the Tracking Team of the ICTR has received little assistance from the

DRC authorities who have also largely failed to respond to requests for ICTR-DRC meetings to address the matter.

Our efforts to reach DRC authorities directly and through third parties have, until this week, been unsuccessful. A response to my most recent request to the DRC dated 28th April 2008 conveyed through MONUC requesting a tripartite ICTR-MONUC-DRC meeting to work out modalities for the arrest and transfer of the fugitives was only received this morning.

Although the response indicates the willingness of the DRC to meet as requested, it is necessary for the Security Council to remind the DRC of its obligation to cooperate and to require it to accede to the ICTR requests for establishing a mechanism for such cooperation.

Please accept Your Excellency my compliments and assurances of my highest consideration.

Sincerely,

Hassan B. Jallow
Chief Prosecutor, ICTR
Under Secretary-General, United Nations

Attachment

1. KENYA – FELICIEN KABUGA is considered by the ICTR as its highest level fugitive and has been earmarked for trial at the ICTR. His indictment for genocide and crimes against humanity was presented by the Prosecutor to and confirmed by a trial chamber of the ICTR in October 1997. The charges against Kabuga essentially revolve around his material support to the RTLM hate radio, of which he was a shareholder, and of the MRND interahamwe militia, both of which were powerful instruments of the genocide. On the 26th of November 1997, a judge of the ICTR issued a Warrant of Arrest and Order for Surrender in relation to Kabuga with the further order that the decision and warrant of arrest be served on the authorities in Kenya. Indeed, as long ago as that time, Kabuga's presence in and association with Kenya had been confirmed.

2. It was however only in 2007, following a number of missions undertaken personally by the ICTR Prosecutor for consultations with the government in Nairobi that Kenya agreed to the creation of a joint ICTR-Kenya Task Force comprising Kenyan officials and ICTR investigators to investigate Kabuga's presence and activities in Kenya. That Task Force has now presented two reports to both parties.

3. The reports of the Task Force and other independent and reliable sources have established the following:

   (i) Kabuga entered Kenya on 3rd September 1994 and was granted a visitors visa. In March 1995, he was issued with a two year residence and business visa. The business visa was issued on the grounds that he was the Director of Establissements Kabuga Felicien and the owner of Dunezy Freighters Ltd (both registered in Kenya) and upon a further investment by way of additional fixed deposit of 10 million Kenya shillings with the Commercial Bank of Africa Ltd;

   (ii) In early 1997 when Kabuga applied for a renewal of his residence and business permit, a senior Kenya Immigration Officer noted in writing that Kabuga was suspected to be involved in the genocide through his relationship with the RTLM, etc.;

   (iii) On 14th May 1997, Kabuga was arrested by the Kenya Police and detained at the Kilimani Police Station in Nairobi on the orders of the Principal Immigration Officer. His residence permit was cancelled on 20th May and he was scheduled to be deported;

   (iv) Kabuga was however released on the same day 20th of May and merely ordered to leave Kenya;

   (v) On 3rd June 1997, however, the Director, Liaison Department in the Office of the President of Kenya wrote to the Principal Immigration Officer to stand over the deportation of Kabuga until further discussions were held. There is no evidence of any such further discussions or that Kabuga was eventually deported;

(vi) In July 1997, the ICTR together with the Kenya Police mounted Operation NAKI East Africa for the arrest of 10 suspects including Kabuga under Rule 40bis of the ICTR Rules of Procedure and Evidence since no indictments had as yet been issued against any of them. All the suspects were arrested in Nairobi save Kabuga who fled from his residence at the Jemina Court apartments in Kilimani area of Nairobi just before the joint ICTR-Kenya Police team arrived on the scene;

(vii) In January 2003, an informant for the ICTR who had information on Kabuga was found murdered the day before he was due to meet with Kabuga in Nairobi. His death has always been suspected to be connected with the efforts to arrest Kabuga. But the death of the informant has not to our knowledge been investigated by the Kenya Police;

(viii) Between 1997 and 2007 there have been several reported sightings of Kabuga on different occasions and different parts of the country. Some of the reports are considered credible. He has been seen in the company of ordinary citizens and former government officials as well as visiting doctors, estate agents, etc. These reports have been brought to the attention of the Kenya Police by the Tracking Team of the ICTR;

(ix) In May 2005, the presence of Felicien Kabuga under heavy private security was confirmed at a villa in Athi River near Nairobi. An attempt to arrest him was thwarted as he and his escorts hurriedly left before ICTR investigators and Kenya Police arrived at the premises.

(x) There is no evidence that Kabuga has at any time been deported from or left Kenya.

4. Despite all this strong evidence of the probability of Kabuga's presence in Kenya, its Police have not in any serious and sustained manner investigated his presence with a view to conclusively eliminating it or ensuring his arrest and transfer to the ICTR. It has always been emphasized by the ICTR to the Kenya authorities that it is their responsibility to carry out these investigations within their territory and take appropriate action.

5. The reports of the Joint Task Force and credible independent sources have established that Kabuga has several business interests in Kenya. He is reported to have interests in the following, either directly in his own name or in the names of family members, friends and other business partners:-

(i) Property known as "Spanish Villa" which Kabuga purchased in Nairobi on 13th November 1995 at Kenya Shillings 6 million. It was not until May 2008 that the Kenya government proceeded to the High Court in Nairobi, following the request of the ICTR Prosecutor and obtained an order 'freezing' the property. Similar action needs to be taken in respect of other business or property interests;

(ii) Establishments Kabuga Felicien

(iii) Dumezy Freighters

(iv) Zadock United Company Ltd

(v) Nshikaben Agencies Ltd

(vi) Zadock Transporters

(vii) Ndimo Enterprises

(viii) Wida Agencies

(ix) In-Store Promotion

All these businesses are registered in Kenya.

6. With the exception of action taken lately on the 'Spanish Villa" property, no serious investigation has been carried out by the Kenya Police to confirm or rebut reports of Kabuga's interests in these businesses and to take action for their freezing, despite the requests of the ICTR Prosecutor. Where the Joint Task Force has sought to further investigate some of these matters it has not had the full cooperation of certain offices and individuals.

7. The reports of the Joint Task Force have also established that Kabuga has operated the following bank accounts in Kenya:-

(i) Commercial Bank of Africa – account numbers 102760018 and 102760028. As a matter of fact, it turned out that on 24th August 2006 whilst the Prosecutor was on a much publicized mission to Kenya to consult on the Kabuga file, the bank wrote to Kabuga at a post box address in Nairobi inviting him and his co-account holder to call at the bank and close the accounts as the bank no longer wished to continue doing business with him!

(ii) An account with Barclays Bank of Kenya Ltd; and

(iii) An account at the Family Finance Ltd

All the banks have refused to cooperate with the Task Force. So far, no action has been taken by the Kenya authorities to compel such cooperation and to seek judicial orders freezing the accounts.

8. The actions required of Kenya are as follows:-

(i) investigation by the Kenya Police of the presence of Kabuga in Kenya and his arrest and transfer to the ICTR or provision of credible indications of his departure from the country;

(ii) investigation of the interests of Kabuga in the businesses mentioned and his properties and upon confirmation, the taking of appropriate steps for their seizure as requested by the ICTR; and

(iii) the taking of the necessary steps to freeze the bank accounts held in Kabuga's name either singly or jointly with others.

United Nations A/62/852–S/2008/357

General Assembly
Security Council

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2 June 2008

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General Assembly
Sixty-second session
Agenda item 16
Protracted conflicts in the GUAM area and their implications for international peace, security and development

Security Council
Sixty-third year

Identical letters dated 2 June 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit a statement of the Ministry of Foreign Affairs of Georgia dated 31 May 2008 (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 16, and of the Security Council.

(*Signed*) Irakli **Alasania**
Ambassador
Permanent Representative

08-36513 (E) 050608

Annex to the identical letters dated 2 June 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Statement of the Ministry of Foreign Affairs of Georgia

31 May 2008

On 31 May 2008 the Press and Information Service of the Ministry of Defence of the Russian Federation disseminated information which states that units and special equipment of the Railway and Engineering Forces of the Russian Federation entered the territory of Georgia, in particular Abkhazia, without agreement with the Government of Georgia.

Georgia has already repeatedly drawn the attention of the international community to the extremely dangerous nature of the steps recently taken by the Russian Federation in blatant violation of international law. In particular, the Russian Federation, through military intervention in Abkhazia, Georgia, carries out annexation of this inalienable and internationally recognized part of Georgia.

Until now the Russian Federation was concealing the beefing-up of its military presence in Abkhazia, Georgia, under the cover of the CIS peacekeeping operation. Now we face an act of open aggression: military units of the armed forces of the Russian Federation entered the territory of Georgia on the basis of the decision of the President of Russia, without any connection with the context of the peacekeeping operation.

The number of the personnel of the railway military forces introduced into the territory of Abkhazia, Georgia, as well as the types of special equipment and the nature of planned works, makes clear that the Russian Federation started to enlarge its military infrastructure in Abkhazia, Georgia, and to prepare for a large-scale military aggression against Georgia.

Georgia categorically demands from the Russian Federation immediate withdrawal of the illegally introduced military units from the territory of Georgia.

The Ministry of Foreign Affairs is empowered to state that the entire responsibility for all possible results of the aforementioned hostile step lies with the Russian Federation.

Georgia calls upon the international community to immediately take decisive measures to prevent the large-scale military aggression planned against a sovereign State.

United Nations A/62/853–S/2008/358

General Assembly
Security Council

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5 June 2008

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General Assembly
Sixty-second session
Agenda items 19, 47, 56, 110 and 121

The situation in Afghanistan

2001-2010: Decade to Roll Back Malaria in Developing Countries, Particularly in Africa

Globalization and interdependence

Report of the Secretary-General on the Peacebuilding Fund

Revitalization of the work of the General Assembly

Security Council
Sixty-third year

Identical letters dated 30 May 2008 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith the text of the joint communiqué on the outcome of the meeting of the Foreign Ministers of the Russian Federation, the People's Republic of China and the Republic of India, dated 15 May 2008 (see annex).

I would be grateful if you could have the present letter and its annex circulated as a document of the General Assembly, under agenda items 19, 47, 56, 110 and 121, and of the Security Council.

(*Signed*) Vitaly **Churkin**

08-37089 (E) 110608 120608

Annex to the identical letters dated 30 May 2008 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General and the President of the Security Council

[Original: Chinese, English and Russian]

Joint Communiqué on the outcome of the Meeting of the Foreign Ministers of the Russian Federation, the People's Republic of China and the Republic of India

15 May 2008

The Eighth Meeting of the Foreign Ministers of the Russian Federation, the People's Republic of China and the Republic of India was held on May 14-15, 2008 in Yekaterinburg, Russia.

The Ministers noted with satisfaction the increasing interaction between Russia, China and India, fast growing, multi ethnic countries with rich history and culture. It was underlined that trilateral interaction was contributing to the shaping of a multi-polar, stable and harmonious world, to democratization of international relations and a more just and rational international order.

The Ministers positively assessed the efforts made by the three Parties to build up the potential of cooperation in accordance with the outcome of the Harbin Meeting on October 24, 2007.

The first round of consultations between the Heads of Departments of the Russian, Chinese and Indian Foreign Ministries held in February 2008 in Moscow was highly appreciated. It signals the beginning of regular exchange of views at this level on implementation of understandings reached during the Russia-China-India Foreign Ministers' meetings and preparation for their future meetings. Russia – China – India forum on agricultural cooperation on April 28, 2008 in Beijing is an important step towards promotion of trilateral interaction in this sphere. Substantial work to establish cooperation between experts of the three countries on health & medicine and disaster mitigation & relief has also been started. It was agreed that the first trilateral meetings on these subjects would be held in 2008.

The Ministers highlighted the importance of enhancing contacts between the business communities of Russia, China and India and in this regard commended the outcome of the first trilateral business forum held in New Delhi in December 2007. A meeting of the Chambers of Commerce and Industry of Russia and India and the China Council for the Promotion of International Trade will be held in Moscow in the autumn of 2008. The second trilateral business forum is scheduled to take place in China in 2009.

The Ministers appreciated the holding of the trilateral Seminar on Evolution of Geo-Political Strategic Trends in New Delhi in March this year with the participation of officials and experts from Russia, China and India which further encouraged the multifaceted dialogue between the official circles and academic communities of the three countries.

The Ministers reiterated their intention to actively deeper dialogue and interaction between the three countries. Special attention was paid to the wide-ranging possibilities of cooperation in the humanitarian field. In this context, Russia, China and India stated that they attach great importance to international cooperation in promoting and protecting human rights and basic freedoms. Bearing in mind that drawing lines on the ground of ideologies and values or on geographical criteria is not conducive to peaceful and harmonious coexistence, the Ministers believe that such cooperation should take due account of specific characteristics of cultural and historical development of each of the countries and respect for traditional values of civilizations. The Ministers emphasized that international humanitarian assistance should focus on disaster-relief, reconstruction etc, and refrain from interference in internal affairs.

The Ministers discussed in detail the global situation and the major international and regional problems and reaffirmed the commonality in the approaches of the three countries.

The Ministers reiterated that today's world order should be based on the rule of international law and the strengthening of multilateralism with the United Nations playing the central role. They reaffirmed the need for a comprehensive reform of the UN with a view to make it more efficient so that it can deal with the current global challenges more effectively. The Ministers of Russia and China reiterated that their countries attach importance to the status of India in international affairs, and understand and support India's aspirations to play a greater role in the United Nations.

The Ministers confirmed their countries' commitments made under the UN Framework Convention on Climate Change and the Kyoto Protocol and underlined the need to develop greater interaction in international cooperation to combat global climate change. They declared the intention of the three nations to take all necessary efforts to implement the Bali Plan of Action.

The Ministers agreed that elaboration of a common position in the field of counteracting new challenges and threats within the framework of the United Nations is of particular importance. They expressed their confidence that their anti-terrorism cooperation should be actively supported both within the framework of the UN system and regional organizations. They also called upon all member states to comply with relevant international terrorism conventions and related protocols, and the Security Council resolutions on counter-terrorism. While supporting the implementation of the UN Global Counter-Terrorism Strategy the Ministers emphasized that all member states should make concerted efforts towards expeditious finalization of a Comprehensive Convention on International Terrorism at the UN. They reaffirmed their commitment to further strengthening cooperation among their countries to combat terrorism.

Reviewing the situation in the Asia-Pacific Region (APR), the Ministers stated that it is defined by the aspiration of the region towards peace and sustainable economic development. Guided by the principles of multilateralism and equal security they stressed the necessity of a regional security system based on mutual confidence, mutual taking into account the interests of the other sides, equality and cooperation. They expressed themselves in favor of expanding the economic integration in the APR on a mutually beneficial and non-discriminatory basis in accordance with the principles of open regionalism.

The Ministers reaffirmed their countries' common desire to expand multifaceted cooperation with the Central Asian countries, including in the fields of combating terrorism, separatism, extremism, illegal drug trafficking and transboundary crime. The Ministers spoke in favor of identifying various forms of trilateral interaction in order to promote further development of the region. The Ministers of Russia and China welcome India's aspirations for playing an enhanced role as an Observer State within the SCO framework.

The Ministers praised the achievements of Afghanistan on the way for its reconstruction, but at the same time expressed concern at the continuing deterioration of the security situation there due to continued terrorist attacks and resurgence of the Taliban and Al Qaeda. They stressed the importance of rendering assistance to the Afghan government in fulfilling its tasks in the field of security, in improving the functioning of governmental institutions and social and economic development of the country. They highlighted the need for strict observance of the sanctions regime against Afghan extremist leaders and other persons and entities listed by UN Security Council Committee 1267, tough rebuff to the forces of terrorism and extremism in Afghan territory as also for further increasing the efforts to eradicate the drug threat coming from Afghanistan. The Sides noted the importance of international and regional cooperation in creating a comprehensive system of anti-drug security belts alongside the borders of Afghanistan with the UN playing a central coordinating role and cooperation of the neighboring countries.

The Ministers noted the need to continue the efforts to achieve at the earliest a political and diplomatic settlement of the situation around the Iranian nuclear program through negotiations. The purpose of these negotiations is to find a long-term comprehensive solution that provides for the trust of the international community to be restored in the exclusively peaceful nature of the program to ensure that Iran can exercise its right to the peaceful use of atomic energy and to open up the path to wider international cooperation with Iran.

The Ministers call upon all interested parties to continue active efforts to promote the six-party talks on resolving the Korean Peninsula nuclear problem towards peaceful and full denuclearization of the Peninsula in accordance with all relevant agreements achieved earlier in Beijing.

The Ministers noted the importance of settling the issue of the status of Kosovo in accordance with norms of international law with the UN playing the leading role and on the basis of an agreement between the parties. The unilateral declaration of independence of

Kosovo is contrary to the UN Security Council Resolution 1244, which should remain the legal basis for the settlement of Kosovo issue till new decisions by the UN. The Ministers call upon Belgrade and Pristina to act within the framework of international law in order to search for an appropriate solution to the problem through negotiations.

The Russian and Indian Ministers reaffirmed their countries' support to the Beijing Olympic Games and efforts to ensure their successful holding.

The Ministers expressed satisfaction with the outcome of the meeting and decided to hold the next trilateral meeting in India.

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The situation in Afghanistan

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Revitalization of the work of the General Assembly

Security Council
Sixty-third year

Letter dated 30 May 2008 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of the joint communiqué on the outcome of the meeting of the Foreign Ministers of the Russian Federation, the People's Republic of China and the Republic of India, dated 15 May 2008 (see annex).

I would be grateful if you could have the present letter and its annex circulated as a document of the General Assembly, under agenda items 19, 47, 56, 110 and 121, and of the Security Council.

(*Signed*) Vitaly **Churkin**

* Reissued for technical reasons.

08-37089* (E) 170608

Annex to the letter dated 30 May 2008 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

[Original: Chinese, English and Russian]

Joint communiqué on the outcome of the Meeting of the Foreign Ministers of the Russian Federation, the People's Republic of China and the Republic of India

15 May 2008

The Eighth Meeting of the Foreign Ministers of the Russian Federation, the People's Republic of China and the Republic of India was held on May 14-15, 2008 in Yekaterinburg, Russia.

The Ministers noted with satisfaction the increasing interaction between Russia, China and India, fast growing, multi ethnic countries with rich history and culture. It was underlined that trilateral interaction was contributing to the shaping of a multi-polar, stable and harmonious world, to democratization of international relations and a more just and rational international order.

The Ministers positively assessed the efforts made by the three Parties to build up the potential of cooperation in accordance with the outcome of the Harbin Meeting on October 24, 2007.

The first round of consultations between the Heads of Departments of the Russian, Chinese and Indian Foreign Ministries held in February 2008 in Moscow was highly appreciated. It signals the beginning of regular exchange of views at this level on implementation of understandings reached during the Russia-China-India Foreign Ministers' meetings and preparation for their future meetings. Russia – China – India forum on agricultural cooperation on April 28, 2008 in Beijing is an important step towards promotion of trilateral interaction in this sphere. Substantial work to establish cooperation between experts of the three countries on health & medicine and disaster mitigation & relief has also been started. It was agreed that the first trilateral meetings on these subjects would be held in 2008.

The Ministers highlighted the importance of enhancing contacts between the business communities of Russia, China and India and in this regard commended the outcome of the first trilateral business forum held in New Delhi in December 2007. A meeting of the Chambers of Commerce and Industry of Russia and India and the China Council for the Promotion of International Trade will be held in Moscow in the autumn of 2008. The second trilateral business forum is scheduled to take place in China in 2009.

The Ministers appreciated the holding of the trilateral Seminar on Evolution of Geo-Political Strategic Trends in New Delhi in March this year with the participation of officials and experts from Russia, China and India which further encouraged the multifaceted dialogue between the official circles and academic communities of the three countries.

The Ministers reiterated their intention to actively deeper dialogue and interaction between the three countries. Special attention was paid to the wide-ranging possibilities of cooperation in the humanitarian field. In this context, Russia, China and India stated that they attach great importance to international cooperation in promoting and protecting human rights and basic freedoms. Bearing in mind that drawing lines on the ground of ideologies and values or on geographical criteria is not conducive to peaceful and harmonious coexistence, the Ministers believe that such cooperation should take due account of specific characteristics of cultural and historical development of each of the countries and respect for traditional values of civilizations. The Ministers emphasized that international humanitarian assistance should focus on disaster-relief, reconstruction etc, and refrain from interference in internal affairs.

The Ministers discussed in detail the global situation and the major international and regional problems and reaffirmed the commonality in the approaches of the three countries.

The Ministers reiterated that today's world order should be based on the rule of international law and the strengthening of multilateralism with the United Nations playing the central role. They reaffirmed the need for a comprehensive reform of the UN with a view to make it more efficient so that it can deal with the current global challenges more effectively. The Ministers of Russia and China reiterated that their countries attach importance to the status of India in international affairs, and understand and support India's aspirations to play a greater role in the United Nations.

The Ministers confirmed their countries' commitments made under the UN Framework Convention on Climate Change and the Kyoto Protocol and underlined the need to develop greater interaction in international cooperation to combat global climate change. They declared the intention of the three nations to take all necessary efforts to implement the Bali Plan of Action.

The Ministers agreed that elaboration of a common position in the field of counteracting new challenges and threats within the framework of the United Nations is of particular importance. They expressed their confidence that their anti-terrorism cooperation should be actively supported both within the framework of the UN system and regional organizations. They also called upon all member states to comply with relevant international terrorism conventions and related protocols, and the Security Council resolutions on counter-terrorism. While supporting the implementation of the UN Global Counter-Terrorism Strategy the Ministers emphasized that all member states should make concerted efforts towards expeditious finalization of a Comprehensive Convention on International Terrorism at the UN. They reaffirmed their commitment to further strengthening cooperation among their countries to combat terrorism.

Reviewing the situation in the Asia-Pacific Region (APR), the Ministers stated that it is defined by the aspiration of the region towards peace and sustainable economic development. Guided by the principles of multilateralism and equal security they stressed the necessity of a regional security system based on mutual confidence, mutual taking into account the interests of the other sides, equality and cooperation. They expressed themselves in favor of expanding the economic integration in the APR on a mutually beneficial and non-discriminatory basis in accordance with the principles of open regionalism.

The Ministers reaffirmed their countries' common desire to expand multifaceted cooperation with the Central Asian countries, including in the fields of combating terrorism, separatism, extremism, illegal drug trafficking and transboundary crime. The Ministers spoke in favor of identifying various forms of trilateral interaction in order to promote further development of the region. The Ministers of Russia and China welcome India's aspirations for playing an enhanced role as an Observer State within the SCO framework.

The Ministers praised the achievements of Afghanistan on the way for its reconstruction, but at the same time expressed concern at the continuing deterioration of the security situation there due to continued terrorist attacks and resurgence of the Taliban and Al Qaeda. They stressed the importance of rendering assistance to the Afghan government in fulfilling its tasks in the field of security, in improving the functioning of governmental institutions and social and economic development of the country. They highlighted the need for strict observance of the sanctions regime against Afghan extremist leaders and other persons and entities listed by UN Security Council Committee 1267, tough rebuff to the forces of terrorism and extremism in Afghan territory as also for further increasing the efforts to eradicate the drug threat coming from Afghanistan. The Sides noted the importance of international and regional cooperation in creating a comprehensive system of anti-drug security belts alongside the borders of Afghanistan with the UN playing a central coordinating role and cooperation of the neighboring countries.

The Ministers noted the need to continue the efforts to achieve at the earliest a political and diplomatic settlement of the situation around the Iranian nuclear program through negotiations. The purpose of these negotiations is to find a long-term comprehensive solution that provides for the trust of the international community to be restored in the exclusively peaceful nature of the program to ensure that Iran can exercise its right to the peaceful use of atomic energy and to open up the path to wider international cooperation with Iran.

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Kosovo is contrary to the UN Security Council Resolution 1244, which should remain the legal basis for the settlement of Kosovo issue till new decisions by the UN. The Ministers call upon Belgrade and Pristina to act within the framework of international law in order to search for an appropriate solution to the problem through negotiations.

The Russian and Indian Ministers reaffirmed their countries' support to the Beijing Olympic Games and efforts to ensure their successful holding.

The Ministers expressed satisfaction with the outcome of the meeting and decided to hold the next trilateral meeting in India.

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Revitalization of the work of the General Assembly

Security Council
Sixty-third year

Identical letters dated 30 May 2008 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith the text of the joint communiqué of the meeting of the Foreign Ministers of Brazil, the Russian Federation, the Republic of India and the People's Republic of China, dated 16 May 2008 (see annex).

I would be grateful if you could have the present letter and its annex circulated as a document of the General Assembly, under agenda items 47, 56, 110 and 121, and of the Security Council.

(*Signed*) Vitaly **Churkin**

08-37109 (E) 110608

Annex to the identical letters dated 30 May 2008 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General and the President of the Security Council

[Original: Russian]

Joint Communiqué of the Meeting of Celso Amorim, Minister for Foreign Affairs of Brazil, Sergei Lavrov, Minister for Foreign Affairs of the Russian Federation, Pranab Mukherjee, Minister for External Affairs of the Republic of India, and Yang Jiechi, Minister for Foreign Affairs of the People's Republic of China

16 May 2008

The Foreign Ministers of Brazil, Russia, India and China (BRIC) held their meeting in Yekaterinburg, Russia, on 16 May 2008.

1. They emphasized the prospects for the BRIC dialogue based on mutual trust and respect, common interests and coincidence or similarity of approaches towards the pressing problems of global development.

2. The Ministers agreed that building a more democratic international system founded on the rule of law and multilateral diplomacy is an imperative of our time. They reaffirmed the commitment of the BRIC countries to work together and with other States in order to strengthen international security and stability and to ensure equal development opportunities for all countries.

3. The Ministers reiterated that today's world order should be based on the rule of international law and the strengthening of multilateralism with the United Nations playing the central role. They reaffirmed the need for a comprehensive reform of the United Nations with a view to making it more efficient so that it can deal more effectively with the current global challenges. The Ministers of Russia and China reiterated that their countries attach great importance to the status of India and Brazil in international affairs, and understand and support India's and Brazil's aspirations to play a more prominent role in the United Nations.

4. The Ministers noted that sustainable development of the global economy in the long term as well as finding solutions to the acute global problems of our time, such as poverty, hunger and diseases, are possible only if due account is taken of the interests of all nations and within a just global economic system. Among other issues, they discussed the current global food crisis. The Foreign Ministers of Russia, India and China welcomed the initiative of Brazil in organizing a meeting of ministers of economic affairs and/or finance of the BRIC countries to discuss global economic and financial issues.

5. The Ministers expressed their strong commitment to multilateral diplomacy in dealing with common challenges to international security. They reiterated their support for political and diplomatic efforts to peacefully resolve disputes in international relations. A cooperative approach to international security is required that takes into account the concerns of all and addresses them through dialogue and in a spirit of understanding. The Ministers emphasized that disarmament and

non-proliferation are mutually reinforcing. They also agreed on the need for multilateral efforts to prevent an arms race in outer space.

6. The Ministers unequivocally condemned terrorism in all its forms and manifestations, committed for whatever purposes. They reiterated their perception that terrorism constitutes one of the most serious threats to international peace and security and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism. They particularly highlighted the United Nations cooperation framework and the need for all Member States to implement United Nations conventions and United Nations Security Council resolutions on fighting terrorism.

The Ministers emphasized the importance of implementing the United Nations Global Counter-Terrorism Strategy in all its aspects and expressed their opinion that all Member States should make concerted efforts towards the speedy finalization under United Nations auspices of a comprehensive convention on international terrorism.

7. The Ministers noted a close interconnection between energy security, socio-economic development and environmental protection. They reaffirmed their commitment to multilateral efforts aimed at reaching an optimum balance of interests between producers, transit States and consumers of energy resources. In this respect the parties emphasized the need to support programmes to increase access to energy and energy efficiency as well as the development and use of new and renewable sources of energy, including biofuels, compatible with sustainable development.

8. The Ministers spoke in favour of strengthening international cooperation to counter climate change in the context of the United Nations Framework Convention on Climate Change and its Kyoto Protocol. They expressed their desire to work closely together in order to carry out the Bali commitments.

9. The Ministers spoke in favour of intensifying the dialogue to achieve the internationally agreed development goals, primarily the Millennium Development Goals, on the basis of global partnership. They support international efforts to combat hunger and poverty.

10. The Ministers noted that South-South cooperation is an important element of international efforts in the field of development. It was emphasized that South-South cooperation does not replace but rather complements the traditional forms of development assistance.

11. The Ministers looked forward to continued cooperation between the Group of Eight and its traditional dialogue partners.

12. The Foreign Ministers of Brazil, Russia and India reaffirmed their countries' support of the 2008 Beijing Olympic Games.

13. The Ministers reached an understanding to hold the next BRIC ministerial meeting at the margins of the sixty-third session of the United Nations General Assembly, in New York, in September 2008. The next stand-alone BRIC ministerial meeting will be hosted by India.

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08-37109* (E) 170608

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